

## MEMORANDUM

TO: Public Safety Committee  
FROM: Kathleen Boucher, Senior Legislative Attorney  
SUBJECT: **Worksession:** Bill 43-05, Weapons – Restrictions – Deer Management

Bill 43-05, Weapons – Restrictions – Deer Management, sponsored by Councilmember Knapp, was introduced on December 13, 2005. A public hearing was held on January 26, 2006, at which 5 individuals testified in support of the bill. For the written testimony submitted on the bill, see ©72-86. For the fiscal impact statement on the bill, see ©1. The County Executive supports the bill (see ©74).

The bill amends the County's weapons law to implement recommendations made by the County's Deer Management Work Group (DMWG) that provide more flexibility for hunting deer both in and outside the urban area. However, it also repeals a provision of current law that authorizes the discharge of a gun to kill predatory animals. The bill also adds language that requires the County Executive to adopt regulations establishing procedures and criteria to be used by the Police Department to determine whether it is safe to discharge a gun in the urban area under a deer damage control permit (see ©1C, lines 29-32).

The following individuals are expected to attend today's worksession: (1) Rob Gibbs, Chair, Montgomery County Deer Management Work Group; (2) Jeremy Criss, Agricultural Services Manager, Department of Economic Development; and (3) Donald Johnson, Lieutenant, Police Department.

### Current Law

The County's weapons law identifies the boundaries of an "urban area" in the County and, with certain exceptions, prohibits the discharge of a gun in the urban area (see §57-4 on ©7). For a map showing the boundaries of the current urban area, see ©89.

County law provides more flexibility regarding discharge of a gun outside the urban area (see §57-5 on ©7-8). However, with certain exceptions, a person located outside the urban area is prohibited from discharging a gun: (1) onto, across, or within 100 yards of a public road; (2) into or within a "safety zone" (defined to mean the area within 200 yards of a building or camp designed for human occupancy) without written consent of the owner or occupant; or (3) from,



onto, or across private property without written consent of the owner or occupant (see §57-5(a) on ©7-8).

County law prohibits the discharge of a bow, both in and outside the urban area: (1) onto, across, or within 100 yards of a public road; (2) into or within a "safety zone" (defined to mean the area within 150 yards of a building or camp designed for human occupancy) without written consent of the owner or occupant; or (3) from, onto, or across public or private property without written consent of the owner or occupant (see §57-6 on ©8-9).

Under current law, a person may discharge a gun both in and outside of the urban area if the person receives: (1) a deer damage control permit from the Department of Natural Resources (DNR); and (2) approval of the Chief of Police (see §57-4(g) on ©6 and §57-5(b) on ©8). For the State regulations relating to deer damage control permits, see ©39-51.

### **Recommendations of the Deer Management Workgroup**

In its FY 2005 annual report, the DMWG recommended changing the County's distance requirements to make them consistent with State law. State law prohibits the discharge of a gun within 150 yards of any building or camp occupied by human beings (see §10-410(g) of the Natural Resources Article on ©32). State law also prohibits the discharge of a gun "on, from, or across" a public road (see §10-410(f) of the Natural Resources Article on ©32).<sup>1</sup>

The DMWG also recommended allowing the discharge of a gun for the purpose of deer hunting on property that meets "certain criteria" without obtaining Police Department approval (see ©57). As examples of the types of property on which deer hunting should be allowed, the report listed property that is over a certain size, agriculturally assessed, utilizing DNR issued deer management permits, or parkland (see ©57). The DMWG report stated that this change would ensure safety, reduce the burden on the Police Department to inspect individual properties, and simplify the process for landowners and farmers (see ©57).

In August 2004, the County Executive and Senator Robert Garagiola convened a special deer management meeting for the purpose of discussing strategies for reducing the deer problem in the County. The minutes of that meeting show that the group discussed the need for changes to County law similar to those recommended by the DMWG (see ©60). However, there is one important difference. Rather than recommending that deer hunting be allowed on property that meets certain criteria, the group proposed changing County law to create "an expedient process for a landowner to obtain a permit" from the Police Department for the use of a gun to hunt deer on any property that meets certain criteria (e.g., for which a crop control permit has been issued, that is agriculturally assessed, or is at least 50 acres in size) (see ©60).

In a memorandum to the directors of all County agencies dated November 29, 2004, the County Executive endorsed the recommendations of the DMWG and asked the directors to begin implementing the recommendations (see ©63-66). That memorandum directed the Police Department to "propose legislative changes to the County's weapons law that will authorize

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<sup>1</sup> For other provisions of State law relating to deer hunting, see ©26-48.



greater flexibility for deer management and change the distance requirements for hunting with a gun and bow to conform to State laws and regulations” (see ©60).

### **Bill Summary/Issues for Discussion**

**(1) Guns in the urban area – 50 acre parcel exception:** The bill authorizes the discharge of a gun in the urban area for the purpose of deer hunting on private property that is at least 50 acres in size (see ©1B, lines 24-25). This change allows a person to hunt deer on eligible parcels without first obtaining a deer damage control permit from DNR and approval from the Police Department. The change is intended to allow deer hunting in areas of the urban zone where, according to the DMWG, guns can be discharged safely (see ©72 and ©77-78). The safety zone restriction (under the bill, no discharge within 150 yards of a building or camp designed for human occupancy) and public road restriction (under the bill, no discharge on, from, or across a public road) would still apply to deer hunting on eligible parcels.

M-NCPPC staff developed a map that shows all the tracts of land in the urban area that are at least 50 acres in size. This map is on ©90 (note: a color version of the map will be distributed at the worksession). A review of this map shows that eligible parcels are scattered throughout all parts of the County and are used for a variety of purposes, including farms, churches, country clubs, golf courses, and private open space.

#### Issues for discussion:

-- Would this change create an unreasonable safety risk? Should the safety zone be increased for deer hunting on eligible parcels (e.g., from 150 to 300 yards)? Should the 50 acre parcel exception apply only to property that is used for agricultural purposes? Should a deer hunter be required to provide notice to the surrounding community?

-- Could contiguous parcels of property less than 50 acres in size be aggregated to meet the 50 acre threshold? As drafted, the bill does not clearly answer this question. **Council staff recommendation:** Amend the bill to clarify whether aggregation is allowed.

**(2) Guns in the urban area – M-NCPPC property exception:** The bill authorizes the discharge of a gun in the urban area on property owned by M-NCPPC as a part of a deer management program conducted or sanctioned by M-NCPPC (see ©1C, lines 26-28). The safety zone requirement (under the bill, no discharge within 150 yards of a building or camp designed for human occupancy) and the public roads requirement (under the bill, no discharge on, from, or across a public road) would apply to this type of deer hunting.

#### Issues for discussion:

-- Would this change create an unreasonable safety risk? What safety procedures does M-NCPPC follow for a managed hunt? Does M-NCPPC provide notice to the surrounding community? Should the safety zone be increased for this type of managed hunt (e.g., from 150 to 300 yards)?



**(3) Guns in the urban area – safety criteria:** The bill adds language that requires the County Executive to adopt regulations establishing procedures and criteria to be used by the Chief of Police to determine whether it is safe to discharge a gun in the urban area under a deer damage control permit (see ©1C, lines 29-32). The current regulations implementing this element of the County's weapons law require Police Department staff to inspect a site that is subject to a deer damage control permit "from the standpoint of safety issues that may necessitate restricting the use of a firearm to carry out the stated purpose of the permit" (see ©21). However, the regulations provide no details regarding the types of procedures or criteria to be used by a Police Department staff to decide whether it is safe to hunt deer on a particular property. **Council staff recommendation:** retain this element of the bill.

**(4) Guns outside the urban area – public roads:** The bill repeals the prohibition against discharging a gun within 100 yards of a public road (see ©1C, lines 39-40). Under the bill, a person is prohibited from discharging a gun from, onto, or across a public road. This change makes this element of County law consistent with State law.

Issue for discussion:

-- Are there any data regarding gun accidents on or near public roads in parts of the State where State law is the minimum standard?

**(5) Guns outside the urban area – safety zone:** The bill modifies the size of the "safety zone" within which a person is prohibited from discharging a gun by reducing it from 200 to 150 yards of any building or camp designed for human occupancy (see ©1C, lines 41-43). This change makes this element of County law consistent with State law.

Issue for discussion:

-- Are there any data regarding gun accidents in areas that are located near buildings or camps designed for human occupancy in parts of the State where State law is the minimum standard?

**(6) Guns outside the urban area – deer damage control permit:** The bill repeals language that requires the Chief of Police to approve the discharge of a gun outside the urban area in connection with a deer damage control permit (see ©1D, lines 69-71).

Issue for discussion:

Is this a substantive change to current practice or does it conform the County's weapons law to current practice? Although Section 57-5 of the County Code requires a person to obtain approval from the Chief of Police before discharging a gun under a deer damage control permit outside the urban area, the current regulations implementing the County's weapons law require a person with a deer damage control permit to obtain approval from the Chief of Police only in the urban area. How has this element of the County's weapons law been administered?



**(7) Bows in the County – public roads:** The bill repeals the prohibition against discharging a bow within 100 yards of a public road (see ©1D, line 74). This change makes this element of County law consistent with State law.

Issue for discussion:

-- Are there any data regarding bow accidents on or near public roads in parts of the State where State law is the minimum standard?

**(8) Guns in the County – predatory animals:** The bill repeals language that authorizes a land owner or tenant to carry or discharge a firearm anywhere in the County for the purpose of “killing predatory animals which prey on, damage or destroy property, livestock, or crops” (see ©1E, lines 87-90). This language is inconsistent with express restrictions in other provisions of the County’s weapons law on discharging a gun both in and outside the urban area (see memos from Associate County Attorney William Snoddy on ©67-71). In this regard, it is significant to note that the current weapons law allows the discharge of a gun in or outside the urban area “when necessary to protect life or property” and “to kill a dangerous animal”.<sup>2</sup> **Council staff recommendation:** retain this element of the bill.

**Technical/Clarifying Amendments**

**(1) Fire Safety Committee:** The Range Approval Committee was renamed the Firearms Safety Committee in Bill 3-05, which was enacted on September 27, 2005 (see excerpt from Bill 3-05 on ©19-20, lines 842-878). **Council staff recommendation:** Amend Bill 43-05 to reflect this new name.

**(2) Deer damage control permit in the urban area – safety zone:** Under current law, the safety zone (no discharge within 200 yards of a building or camp designed for human occupants) and public road (no discharge within 100 yards of a public road) requirements do not apply in the urban area. **Council staff recommendation:** Amend the bill to clarify that the safety zone and public road restrictions (either in their current form or as amended by the bill) apply to the discharge of a gun in the urban area under a deer damage control permit.

**(3) Other technical amendments:** Council staff has drafted amendments that make technical and stylistic changes to clarify several elements of the bill. **Council staff recommendation:** Amend Bill 43-05 as indicated on ©91-95.

This packet contains:

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<sup>2</sup> However, it is also important to note that, in Maryland, an individual may only use deadly force against another when the use of that deadly force, at the moment and in the circumstances used, is necessary to protect against an imminent threat of death or serious bodily injury (see . (put in footnote) ]]



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Bill No. 43-05  
Concerning: Weapons – Restrictions –  
Deer Management  
Revised: 12/11/05 Draft No. 2  
Introduced: December 13, 2005  
Expires: June 13, 2007  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Knapp

### AN ACT to:

- (1) modify the circumstances under which a person may discharge a gun within and outside the urban area;
- (2) modify the circumstances under which a person may discharge a bow;
- (3) repeal language authorizing a person to carry or discharge a firearm under certain circumstances involving predatory animals;
- (4) make technical, clarifying, and stylistic changes to the law governing the discharge of a weapon; and
- (5) generally amend the law governing weapons restrictions.

### By amending

Montgomery County Code  
Chapter 57, Weapons  
Sections 57-4, 57-5, 57-6, and 57-14

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*



1       **Sec. 1. Sections 57-4, 57-5, 57-6, and 57-14 are amended as follows:**

2       **57-4.       Discharge of guns in the urban area.**

3       (a)   Prohibition. [A] Except as provided in subsection (b), a person, other  
 4       than a peace officer or employee of the Maryland Department of  
 5       Natural Resources performing official duties, must not discharge a gun  
 6       within the urban area.

7       (b)   Exceptions. Except as provided in Sections 57-7 and 57-11, a person  
 8       may discharge a gun:

9       [(a)] (1)   on any indoor or outdoor target, trap, skeet, or shooting range  
 10       that the Range Approval Committee has inspected and approved  
 11       in writing;

12       [(b)] (2)   in a private basement or cellar target range;

13       [(c)] (3)   when necessary to protect life or property;

14       [(d)] (4)   to kill a dangerous animal;

15       [(e)] (5)   for discharge of blank cartridges in musical and theatrical  
 16       performances, parades, or sporting events;

17       [(f)] (6)   for salutes by firing squads at military funerals; [or]

18       [(g)] (7)   if approved by the Chief of Police, under a deer damage control  
 19       permit issued by the Maryland Department of Natural Resources  
 20       [and approved by the Chief of Police under Executive Regulation  
 21       promulgated under method (2).]; or

22       (8)   subject to the same restrictions imposed by Section 57-5(a) on the  
 23       discharge of a gun outside the urban area:

24       (A)   for the purpose of deer hunting on private property that is  
 25       at least 50 acres in size; or



(B) on property owned by the Maryland-National Park and Planning Commission as a part of a deer management program conducted or sanctioned by the Commission.

(c) Regulations. The County Executive must adopt regulations under method (2) that establish procedures and criteria to be used by the Chief of Police to determine whether it is safe to discharge a gun under the circumstances specified in subsection (b)(7).

**57-5. Discharge of guns outside the urban area.**

(a) Prohibition. [Outside] Except as provided in subsection (b), outside the urban area, a person, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not:

(1) discharge a gun:

(A) [onto, across, or within 100 yards of] from, onto, or across a public road;

(B) into or within the safety zone ([200] 150 yards of a building or camp designed for human occupancy) without the owner or occupant's written consent; or

(C) [on,] from, onto, or across public or private [land] property without the owner or occupant's written consent;

(2) discharge a full metal jacketed bullet of any caliber from a gun; or

(3) except as provided in subsection (b), discharge any fixed ammunition of a caliber higher than .25 caliber from a rifle or pistol.

(b) Exception - High Caliber Ammunition. [Other fixed ammunition may be discharged from a rifle or pistol (in an area otherwise permitted by law)]



only] If otherwise authorized by law, a person may discharge fixed ammunition of a caliber higher than .25 from a rifle or pistol at:

(A) legal game or varmints on the ground; or

(B) a target on or near the ground that will not deflect a bullet.

(b) Other Exceptions. Except as provided in Sections 57-7 and 57-11, a person may discharge a gun:

(1) on any indoor or outdoor target, trap, skeet, or shooting range that the Range Approval Committee has inspected and approved in writing;

(2) in a private basement or cellar target range;

(3) when necessary to protect life or property;

(4) to kill a dangerous animal;

(5) for discharge of blank cartridges in musical and theatrical performances, parades, or sporting events;

(6) for salutes by firing squads at military funerals; or

(7) under a deer damage control permit issued by the Maryland Department of Natural Resources [and approved by the Chief of Police under Executive Regulation promulgated under method (2)].

#### **57-6. Discharge of bows.**

(a) Prohibition. A person must not discharge a bow in the County:

(1) [onto, across, or within 100 yards of] from, onto, or across a public road;

(2) into or within 150 yards of a building or camp designed for human occupancy without the owner or occupant's written consent; or



(3) [on,] from, onto, or across public or private [land] private without the owner or occupant's written consent;

(b) Exception. [Paragraph] Subsection (a) does not apply to target archery practiced [under] in compliance with safety guidelines established by [Executive Regulation under] method (2) regulations.

**57-14. Exemptions from Chapter.**

Nothing in this Chapter applies to the purchase, ownership, or possession of a bona fide antique gun that is incapable of use as a gun. [Except as provided in Sections 57-7 and 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a firearm on that land for the purpose of killing predatory animals which prey on, damage or destroy property, livestock, or crops.]

*Approved:*

\_\_\_\_\_  
George L. Leventhal, President, County Council

\_\_\_\_\_  
Date

*Approved:*

\_\_\_\_\_  
Douglas M. Duncan, County Executive

\_\_\_\_\_  
Date

*This is a correct copy of Council action.*

\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council

\_\_\_\_\_  
Date

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## LEGISLATIVE REQUEST REPORT

Bill 43-05

### *Weapons – Restrictions – Deer Management*

<b>DESCRIPTION:</b>	Modify the "safety zone" within which a person is prohibited from discharging a gun or bow to make it consistent with State law. Authorize the hunting of deer within the urban area on parcels of land that are at least 50 acres in size or in connection with managed hunts conducted or sanctioned by the Maryland-National Park and Planning Commission (M-NCPPC) on property owned by M-NCPPC. Repeal language that requires the Chief of Police to approve the discharge of a gun outside the urban area in connection with a crop damage permit. Repeal language that authorizes a land owner or tenant to discharge a firearm for the purpose of killing predatory animals.
<b>PROBLEM:</b>	The growing deer population in the County causes numerous problems, including crop damage, automobile collisions, and lyme disease.
<b>GOALS AND OBJECTIVES:</b>	Provide greater flexibility regarding the discharge of guns and bows to facilitate better deer management in the County. Repeal language authorizing the discharge of guns for the purpose of killing predatory animals this language is inconsistent with the specific requirements governing discharge of a gun inside or outside the urban area.
<b>COORDINATION:</b>	Department of Economic Development (Agricultural Services), M-NCPPC, and Department of Police.
<b>FISCAL IMPACT:</b>	To be requested.
<b>ECONOMIC IMPACT:</b>	To be requested.
<b>EVALUATION:</b>	To be requested.
<b>EXPERIENCE ELSEWHERE:</b>	To be researched.
<b>SOURCE OF INFORMATION:</b>	Department of Economic Development (Agricultural Services), M-NCPPC, and Department of Police.
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	Barnesville, Brookville, Chevy Chase View, Chevy Chase Section 3, Town of Chevy Chase, Chevy Chase Section 5, Glen Echo, Kensington, Martin's Addition, Village of North Chevy Chase, Somerset, and Washington Grove.
<b>PENALTIES:</b>	See current law (Chapter 57 of the Code).

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OFFICE OF MANAGEMENT AND BUDGET

Douglas M. Duncan  
County Executive

MEMORANDUM

Beverley K. Swaim-Staley  
Director

January 20, 2006

TO: George L. Leventhal, President  
County Council

VIA: Bruce Romer  
Chief Administrative Officer

FROM: Beverley K. Swaim-Staley, Director  
Office of Management and Budget

SUBJECT: Bill 43-05, Weapons – Restrictions – Deer Management

The purpose of this memorandum is to transmit a fiscal impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

The purpose of the legislation is to modify the "safety zone" within which a person is prohibited from discharging a gun or bow to make it consistent with State law. The bill authorizes deer hunting within the urban area on parcels of land that are at least 50 acres in size or in connection with managed hunts conducted or sanctioned by the Maryland-National Park and Planning Commission (M-NCPPC) on property owned by M-NCPPC. The bill also repeals language that requires the Chief of Police to approve the discharge of a gun outside the urban area in connection with a crop damage permit. The bill also repeals language that authorizes a land owner or tenant to carry or discharge a firearm for the purpose of killing predatory animals that prey on, damage, or destroy property, livestock or crops.

FISCAL SUMMARY

According to staff from M-NCPPC, the Department of Police and the Department of Economic Development, the bill will not have a fiscal impact on their departments.

The following contributed to and concurred with this analysis: Bruce Crawford, Rob Gibbs, Donald Johnson, Nick Tucci, and Jeremy Criss.

BKS:MCB

cc: Bruce Crawford, M-NCPPC  
Varghese Cherian, M-NCPPC  
Rob Gibbs, M-NCPPC  
J. Thomas Manger, Chief of Police  
Nick Tucci, Police  
Lt. Donald Johnson, Police



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Office of the Director



## MONTGOMERY COUNTY CODE

### Chapter 57. Weapons.

**Cross references**-Furnishing weapons to citizens during emergencies, § 2-15; special zoning requirements for rifle, pistol or skeet shooting ranges, §§ 59-G-2.51, 59-G-2.52.

**State law references**-Carrying weapons, Ann. Code of Md., art. 27, § 36 et seq.; sale, etc., of switchblade knives, Ann. Code of Md., art. 27, § 339; machine guns, Ann. Code of Md., art. 27, §§ 372-383; pistols, Ann. Code of Md., art. 27, §§ 441-448.

§ 57-1. Definitions.

§ 57-2. Range Approval Committee.

§ 57-3. Change in urban area boundary.

§ 57-4. Discharge of guns in the urban area.

§ 57-5. Discharge of guns outside the urban area.

§ 57-6. Discharge of bows.

§ 57-7. Access to guns by minors.

§ 57-8. Child safety handgun devices and handguns

§ 57-9. Unlawful ownership or possession of firearms.

§ 57-10. Keeping guns on person or in vehicles.

§ 57-11. Firearms in or near places of public assembly.

§ 57-12. Sale of fixed ammunition.

§ 57-13. Use of public funds.

§ 57-14. Exemptions from Chapter.

§ 57-15. Penalty.

**Sec. 57-1. Definitions.**



## MONTGOMERY COUNTY CODE

In this Chapter, the following words and phrases have the following meanings:

*Child safety handgun box:* A secure, lockable box designed to hold the handgun being transferred that:

- (1) requires a key or combination to remove;
- (2) renders the handgun inoperable when locked; and
- (3) is approved by Executive regulation under method (2).

*Child safety handgun device:* A child safety handgun lock or child safety handgun box.

*Child safety handgun lock:* A device that when locked in place prevents movement of the trigger of the handgun being transferred without first removing the lock by use of a key or combination. "Child safety handgun lock" also includes any other device that can be attached to a handgun and:

- (1) requires a key or combination to remove;
- (2) renders the handgun inoperable when locked in place; and
- (3) is approved by Executive regulation under method (2).

*Crime of violence:* Murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than one (1) year.

*Firearm dealer:* A person required by State or federal law to obtain a:

- (1) regulated firearms dealer's license; or
- (2) temporary transfer permit to display a regulated firearm at a gun show.

*Fixed ammunition:* Any ammunition composed of a projectile or projectiles, a casing, an explosive charge and a primer, all of which shall be contained as one (1) unit. Cartridges designed, made and intended to be used exclusively (i) in a device for signaling and safety purposes required or recommended by the United States Coast Guard or (ii) for industrial purposes, shall not be considered fixed ammunition. Curios or relics, as defined in regulations promulgated by the United States Secretary of the Treasury pursuant to 18 United States Code, section 921(A)(13), shall not be considered fixed ammunition.

*Fugitive from justice:* Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this state, or who has fled from any state, territory, District of Columbia or



## MONTGOMERY COUNTY CODE

possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

*Gun or firearm:* Any rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.

(1) The term "antique firearm" means (a) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (b) any replica of any firearm described in subparagraph (a) if such replica (i) is not designed or redesigned or using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(2) "Handgun" means any pistol, revolver or other firearm capable of being concealed on the person, including a short-barreled shotgun and a short-barreled rifle as these terms are defined below. "Handgun" does not include a shotgun, rifle, or antique firearm.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) The term "short-barreled rifle" means a rifle having one (1) or more barrels less than sixteen (16) inches in length and any weapon made from a rifle (whether by alternation, modification or otherwise) if such weapon, as modified, has an overall length of less than twenty-six (26) inches.

(5) The term "short-barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(6) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

*Gun shop:* An establishment where a handgun, rifle, or shotgun, or ammunition or major component of these guns is sold or transferred. "Gun shop" does not include an area of an establishment that is separated by a secure, physical barrier from all areas where any of these items is located.



## MONTGOMERY COUNTY CODE

*Gun show:* Any organized gathering where a gun is displayed for sale.

*Minor:* An individual younger than 18 years old.

*Pistol or revolver:* Any gun with a barrel less than twelve (12) inches in length that uses fixed ammunition.

*Place of public assembly:* A "place of public assembly" is a government owned park identified by the Maryland-National Capital Park and Planning Commission; place of worship; elementary or secondary school; public library; government-owned or -operated recreational facility; or multipurpose exhibition facility, such as a fairgrounds or conference center. A place of public assembly includes all property associated with the place, such as a parking lot or grounds of a building.

*Sell or purchase:* Such terms and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

*Sporting use:* "Sporting use" of a firearm and ammunition means hunting or target shooting in compliance with all federal, State, and local laws. Sporting use includes:

- (a) participation in a managed hunt sponsored by a government agency; and
- (b) the sale or other transfer of ammunition by a sporting club for immediate, on-site use at the club.

*Urban area:* That part of the County within the following boundaries: Beginning at a point where the Maryland/District of Columbia boundary line in the County intersects with the Maryland/Virginia boundary line on the southwest side of the Potomac River; running then northwest along the Maryland/Virginia boundary line to the emptying of Watts Branch into the Potomac River; then northwest along the northeast side of the Potomac River to the emptying of Seneca Creek into the Potomac River; then north along Seneca Creek to Route 112 (Seneca Road); then east along Route 112 to Route 28 (Darnestown Road); then northwest along Route 28 to Route 118 (Darnestown-Germantown Road); then north along Route 118 to Route 117 (Clopper Road); then northwest along Route 117 to Little Seneca Creek; then northeast along Little Seneca Creek to Black Hill Regional Park; then along the eastern boundary of Black Hill Regional Park to the Park's southernmost intersection with I-270; then northwest along I-270 to Little Seneca Creek; then north along Little Seneca Creek to West Old Baltimore Road; then east along West Old Baltimore Road to Route 355 (Frederick Road); then south along Route 355 to Brink Road; then southeast on Brink Road to the Town of Laytonsville; then along the northern boundary of the Town of Laytonsville to Route 420 (Sundown Road); then east along Route 420 to Route 650 (Damascus Road); then southeast along Route 650 to Route 97 (Georgia Avenue); then south along Route 97 to Brighton Dam Road; then northeast along Brighton Dam Road to Route 650 (New Hampshire Avenue); then south along Route 650 to Route 108; then east along Route 108 to the Potomac Electric Power Company transmission line property; then



## MONTGOMERY COUNTY CODE

southeast along the east side of the Potomac Electric Power Company right-of-way to Route 198; then east along Route 198 to the Prince George's County/Montgomery County boundary line; then southwest along the Montgomery County/Prince George's County boundary line to the Montgomery County/District of Columbia boundary line; then along the Montgomery County/District of Columbia boundary line to the beginning point.

*Vehicle:* Any motor vehicle, as defined in the Transportation Article of the Annotated Code of Maryland, trains, aircraft and vessels. (1981 L.M.C., ch. 42, § 1; 1983 L.M.C., ch. 50, § 1; CY 1991 L.M.C., ch. 21, § 1; 1993 L.M.C., ch. 50, § 1; 1997 L.M.C., ch. 3, § 1; 1997 L.M.C., ch. 14, § 1; 1997 L.M.C., ch. 16; 2001 L.M.C., ch. 11, § 1.)

NOTE: sections 57-2, 57-3, 57-4,  
and 57-5 were amended  
by Bill 3-05, enacted  
September 27, 2005.

### Sec. 57-2. Range Approval Committee.

(a) There is a Range Approval Committee with 7 voting members. The voting members should be knowledgeable by training and experience in the safe and sportsmanlike use of weapons. The voting members are appointed by the County Executive and confirmed by the County Council. The County Executive designates one voting member of the Range Approval Committee to serve as Chair. An employee of the Department of Police must be a non-voting member of the Committee. see e

(b) The Committee issues indoor and outdoor target, trap, skeet, and shooting range approval certificates. The Committee may specify the type of gun and ammunition that may be used on the range. An approval certificate is valid for 3 years. Before issuing a certificate, the Committee must find that:

- (1) the discharge of guns on the range will not jeopardize life or property; and
- (2) the applicant for the certificate is the owner, lessee, or person lawfully in possession of the land where the range is located.

The Range Approval Committee must keep a copy of each certificate. (1981 L.M.C., ch. 42, § 1; FY 1991 L.M.C., ch. 9, § 1; CY 1991 L.M.C., ch. 21, § 1.)

**Cross reference-**Boards and commissions generally, § 2-141 et seq.

### Sec. 57-3. Change in urban area boundary.

On February 1 each year, the County Executive, after consulting with the Range Approval Committee, must recommend to the County Council any appropriate change in the boundary of the urban area based on new development or reported incidents of weapons discharge near



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developed areas. (CY 1991 L.M.C., ch. 21, § 1; 2001 L.M.C., ch. 11, § 1.)

**Editor's note**—Section 57-3, formerly § 57-2A, was renumbered pursuant to 2001 L.M.C., ch. 11, § 1.

### **Sec. 57-4. Discharge of guns in the urban area.**

A person, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not discharge a gun within the urban area. Except as provided in Sections 57-7 and 57-11, a person may discharge a gun:

- (a) on any indoor or outdoor target, trap, skeet, or shooting range that the Range Approval Committee has inspected and approved in writing;
- (b) in a private basement or cellar target range;
- (c) when necessary to protect life or property;
- (d) to kill a dangerous animal;
- (e) for discharge of blank cartridges in musical and theatrical performances, parades, or sporting events;
- (f) for salutes by firing squads at military funerals; or
- (g) under a deer damage control permit issued by the Maryland Department of Natural Resources and approved by the Chief of Police under Executive Regulation promulgated under method (2). (1981 L.M.C., ch. 42, § 1; CY 1991 L.M.C., ch. 21, § 1; 1997 L.M.C., ch. 14, §1; 2001 L.M.C., ch. 11, § 1.)

**Editor's note**—Section 57-4, formerly § 57-3, was renumbered and amended pursuant to 2001 L.M.C., ch. 11, § 1.

### **Sec. 57-5. Discharge of guns outside the urban area.**

(a) Outside the urban area, a person, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not:

- (1) discharge a gun:
  - (A) onto, across, or within 100 yards of a public road;



## MONTGOMERY COUNTY CODE

(B) into or within the safety zone (200 yards of a building or camp designed for human occupancy) without the owner or occupant's written consent; or

(C) on, from, onto, or across public or private land without the owner or occupant's written consent;

(2) discharge a full metal jacketed bullet of any caliber from a gun; or

(3) discharge any fixed ammunition of a caliber higher than .25 caliber from a rifle or pistol. Other fixed ammunition may be discharged from a rifle or pistol (in an area otherwise permitted by law) only at:

(A) legal game or varmints on the ground; or

(B) a target on or near the ground that will not deflect a bullet.

(b) Except as provided in Sections 57-7 and 57-11, a person may discharge a gun:

(1) on any indoor or outdoor target, trap, skeet, or shooting range that the Range Approval Committee has inspected and approved in writing;

(2) in a private basement or cellar target range;

(3) when necessary to protect life or property;

(4) to kill a dangerous animal;

(5) for discharge of blank cartridges in musical and theatrical performances, parades, or sporting events;

(6) for salutes by firing squads at military funerals; or

(7) under a deer damage control permit issued by the Maryland Department of Natural Resources and approved by the Chief of Police under Executive Regulation promulgated under method (2). (1981 L.M.C., ch. 42, § 1; CY 1991 L.M.C., ch. 21, § 1; 1997 L.M.C., ch. 14, §1; 2001 L.M.C., ch. 11, § 1.)

**Editor's note**—Section 57-5, formerly § 57-4, was renumbered and amended pursuant to 2001 L.M.C., ch. 11, § 1.

### **Sec. 57-6. Discharge of bows.**

(a) A person must not discharge a bow in the County:



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- (1) onto, across, or within 100 yards of a public road;
  - (2) into or within 150 yards of a building or camp designed for human occupancy without the owner or occupant's written consent; or
  - (3) on, from, onto, or across public or private land without the owner or occupant's written consent;
- (b) Paragraph (a) does not apply to target archery practiced under safety guidelines established by Executive Regulation under method (2). (CY 1991 L.M.C., ch. 21, § 1; 2001 L.M.C., ch. 11, § 1.)

**Editor's note**—Section 57-6, formerly § 57-4A, was renumbered pursuant to 2001 L.M.C., ch. 11, § 1.

### **Sec. 57-7. Access to guns by minors.**

- (a) A person must not give, sell, rent, lend, or otherwise transfer any rifle or shotgun or any ammunition or major component for these guns in the County to a minor. This subsection does not apply when the transferor is at least 18 years old and is the parent, guardian, or instructor of the minor, or in connection with a regularly conducted or supervised program of marksmanship or marksmanship training.
- (b) An owner, employee, or agent of a gun shop must not allow a minor to, and a minor must not, enter the gun shop unless the minor is accompanied by a parent or other legal guardian at all times when the minor is in the gun shop.
- (c) This section must be construed as broadly as possible within the limits of State law to protect minors. (1981 L.M.C., ch. 42, § 1; 1997 L.M.C., ch. 14, § 1; 2001 L.M.C., ch. 11, § 1.)

**Editor's note**—Section 57-7, formerly § 57-5, was renumbered pursuant to 2001 L.M.C., ch. 11, § 1.

### **Sec. 57-8. Child safety handgun devices and handguns.**

- (a) *Findings.* The unintentional discharge of handguns often causes accidental death or injury to children. Additional safeguards are needed to protect children from injury or death from the unintentional discharge of loaded and unlocked handguns. Requiring a firearm dealer who transfers a handgun to provide a child safety handgun device when a handgun is transferred



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can prevent unintentional injuries and fatalities to children.

(b) *Child safety handgun device.*

(1) A firearm dealer who sells, leases, or otherwise transfers a handgun in the County must provide to the recipient of the handgun a child safety handgun device for the handgun at the time of the transfer. The dealer may charge for the child safety handgun device.

(2) A person who purchases or otherwise receives a handgun from a firearm dealer (or any transferor who would be a firearm dealer if the transfer occurred in the State) after October 8, 1997 must obtain a child safety handgun device for the handgun:

(A) at the time of a transfer in the County; or

(B) before entering the County with the handgun if the transfer occurred outside the County and the transferee resides in the County.

(c) *Notices.*

(1) A firearm dealer who sells, leases, or otherwise transfers a handgun must post conspicuously in the dealer's place of business a notice of:

(A) the requirement in subsection (b) for a child safety handgun device; and

(B) the prohibition in State law of storing or leaving a loaded firearm in a location where an unsupervised child can gain access to the firearm.

(2) If the firearm dealer transferring a handgun does not maintain a place of business in a commercial establishment, the dealer must provide the notices required by paragraph (1) in writing when transferring the handgun.

(d) *Enforcement.* The Department of Health and Human Services and any other department designated by the County Executive enforces this section.

(f) *Regulations.* The Executive may adopt regulations under method (2) to implement this Section. (1997 L.M.C., ch. 16; 2001 L.M.C., ch. 11, § 1.)

**Editor's note**—Section 57-8, formerly § 57-5A, was renumbered pursuant to 2001 L.M.C., ch. 11, § 1.

### **Sec. 57-9. Unlawful ownership or possession of firearms.**

A person must not possess, exercise control over, use, carry, transport, or keep a rifle,



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shotgun, or pistol, if the person:

(a) is an unlawful user of , addicted to, or is under treatment for an addiction to, marijuana or any depressant or stimulant drug or narcotic drug (as defined in Maryland Criminal Law Code Annotated, sections 1-101, 5-101, 5-401, 5-404, and 5-604); or

(b) has been convicted in any court of a crime of violence, trafficking in narcotics, a criminal violation of any of the provisions of Maryland Public Safety Code Annotated, sections 5-101 to 5-138, 5-142, or any federal firearms control law; or

(c) is a fugitive from justice; or

(d) has been confined to any hospital or institution for treatment of a mental disorder or for mental illness unless a licensed physician has by affidavit stated that the physician is familiar with the person's history of mental illness and that in the physician's opinion the person is not disabled by such illness in a manner which should prevent the person from possessing a rifle or a shotgun; or

(e) has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that the physician is familiar with the person's history of alcoholism and that, in the physician's opinion, the person is no longer suffering from a disability in such a manner which should prevent the person from possessing a rifle or shotgun. (1981 L.M.C., ch. 42, § 1; 2001 L.M.C., ch. 11, § 1; 2004 L.M.C., ch. 22, §1.)

**Editor's note**—Section 57-9, formerly § 57-6, was renumbered pursuant to 2001 L.M.C., ch. 11, § 1.

### **Sec. 57-10. Keeping guns on person or in vehicles.**

It shall be unlawful for any person to have upon his person, concealed or exposed, or in a motor vehicle where it is readily available for use, any gun designed to use explosive ammunition unless:

(a) *Lawful mission.* Such person is then engaged upon a lawful mission for which it is necessary to carry a gun upon his person; or

(b) *Special guard, special police, etc.* Such person is employed as a special guard, special police officer or special detective and has been lawfully deputized by the sheriff for the county, or has been appointed a constable in the county, or has been licensed under the laws of the state, should such a law be enacted, to carry such gun and then is on or in the immediate



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vicinity of the premises of any employer whose occupation lawfully requires the employment of a person carrying a gun while in the discharge of the duties of such employment; or

(c) *Military service.* Such person is then lawfully engaged in military service or as a duly authorized peace officer; or

(d) *Hunting, target practice, etc.* Such person is engaged in lawful hunting, drill, training or target practice on property of which he is the owner or lessee or on property with the prior permission of the owner or lessee thereof; or

(e) *Going to or returning from hunting, target practice, etc.* Such person is engaged in going to or from lawful hunting, drill training or target practice, or in delivering such gun to or carrying it from a gunsmith or repairman, or is engaged in any other lawful transfer of possession; provided, that such person shall be on or traveling upon a public highway or property of which he is the owner or lessee or on property with the prior permission of the owner or lessee thereof; provided further, that such gun shall not be loaded with explosive ammunition. (1981 L.M.C., ch. 42, § 1; 2001 L.M.C., ch. 11, § 1.)

**Editor's note**—Section 57-10, formerly § 57-7, was renumbered pursuant to 2001 L.M.C., ch. 11, § 1.

### **Sec. 57-11. Firearms in or near places of public assembly.**

(a) A person must not sell, transfer, possess, or transport a handgun, rifle, or shotgun, or ammunition for these firearms, in or within 100 yards of a place of public assembly.

(b) This section does not:

(1) prohibit the teaching of firearms safety or other educational or sporting use in the areas described in subsection (a);

(2) apply to a law enforcement officer, or a security guard licensed to carry the firearm;

(3) apply to the possession of a firearm or ammunition in the person's own home;

(4) apply to the possession of one firearm, and ammunition for the firearm, at a business by either the owner or one authorized employee of the business;

(5) apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law; or



## MONTGOMERY COUNTY CODE

(6) apply to separate ammunition or an unloaded firearm:

(A) transported in an enclosed case or in a locked firearms rack on a motor vehicle; or

(B) being surrendered in connection with a gun turn-in or similar program approved by a law enforcement agency.

(c) This section does not prohibit a gun show at a multipurpose exhibition facility if:

(1) the facility's intended and actual primary use is firearms sports (hunting or target, trap, or skeet shooting) or education (firearms training); or

(2) no person who owns or operates the facility or promotes or sponsors the gun show received financial or in-kind support from the County (as defined in Section 57-13(a)) during the preceding 5 years, or after December 1, 2001, whichever is shorter; and

(A) no other public activity is allowed at the place of public assembly during the gun show; and

(B) if a minor may attend the gun show:

(i) the promoter or sponsor of the gun show provides to the Chief of Police, at least 30 days before the show:

(a) photographic identification, fingerprints, and any other information the Police Chief requires to conduct a background check of each individual who is or works for any promoter or sponsor of the show and will attend the show; and

(b) evidence that the applicant will provide adequate professional security personnel and any other safety measure required by the Police Chief, and will comply with this Chapter; and

(ii) the Police Chief does not prohibit the gun show before the gun show is scheduled to begin because:

(a) the promoter or sponsor has not met the requirements of clause (i); or

(b) the Police Chief has determined that an individual described in clause (i)(a) is not a responsible individual.

(d) Notwithstanding subsection (a), a gun shop owned and operated by a firearms dealer licensed under Maryland or federal law on January 1, 1997, may conduct regular, continuous operations after that date in the same permanent location under the same ownership if



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the gun shop:

(1) does not expand its inventory (the number of guns or rounds of ammunition displayed or stored at the gun shop at one time) or square footage by more than 10 percent, or expand the type of guns (handgun, rifle, or shotgun) or ammunition offered for sale since January 1, 1997;

(2) has secure locks on all doors and windows;

(3) physically secures all ammunition and each firearm in the gun shop (such as in a locked box or case, in a locked rack, or with a trigger lock);

(4) has adequate security lighting;

(5) has a functioning alarm system connected to a central station that notifies the police; and

(6) has liability insurance coverage of at least \$1,000,000. (1997 L.M.C., ch. 14, §§1, 2; 1998 L.M.C., ch. 2, §§1, 2; 2001 L.M.C., ch. 11, § 1.)

**Editor's note**—Section 57-11, formerly § 57-7A, was renumbered and amended pursuant to 2001 L.M.C., ch. 11, § 1.

### **Sec. 57-12. Sale of fixed ammunition.**

(a) *Legislative intent.* The purpose of this section is to provide support to state and local law enforcement officials in their efforts against crime and violence by placing controls on the flow of dangerous ammunition, in addition to those provided by federal law, and to encourage compliance with the state police department's program of voluntary firearm registration. It is not the purpose of this section to place any undue or unnecessary restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, or to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes. It is not the purpose of this section to create, nor does it permit the creation of, any separate system of county registration of firearms or ammunition, or the levying of any county fee in connection with any registration of firearms or ammunition. It is specifically not the intent of this section to serve as a revenue generating measure.

(b) *Registration of ammunition dealers.* Any ammunition dealer (as defined in 18 United States Code, section 921 et seq.) who conducts business in Montgomery County is required to register with the Montgomery County department of police by maintaining on file



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with that department, at all times, a valid, current copy of his federal ammunition dealer's license.

(c) *Conditions for sale.* No ammunition dealer may sell fixed ammunition to any other person, unless:

- (1) The sale is made in person;
- (2) The purchaser exhibits, at the time of sale, a valid registration certificate or, in the case of a nonresident, proof that the firearm is lawfully possessed in the jurisdiction where the purchaser resides;
- (3) The fixed ammunition to be sold is of the same caliber or gauge as the firearm described in the registration certificate, or other proof in the case of a nonresident; and
- (4) The purchaser signs a receipt for the ammunition which shall be maintained by the licensed dealer for a period of one (1) year from the date of sale.

(d) *Exceptions.* The provisions of this section shall not apply to the sale of fixed ammunition:

- (1) Which is suitable for use only in rifles or shotguns generally available in commerce, or to the sale of component parts of these types of ammunition;
- (2) To any person licensed to possess fixed ammunition under an act of Congress and the law of the jurisdiction where the person resides or conducts business; or
- (3) To any law enforcement officer of federal, state, local or any other governmental entity, if the officer has in his possession a statement from the head of his agency stating that the fixed ammunition is to be used in the officer's official duties.

(e) *Penalties.* Any ammunition dealer who sells fixed ammunition in violation of the provisions of this section shall be guilty of a class C violation, pursuant to section 1-19 of the Montgomery County Code, punishable only by a civil penalty in the amount of fifteen dollars (\$15.00).

(f) *Exception for incorporated municipalities.* This section shall not be effective in any incorporated municipality which by law has authority to enact a law on the same subject. If any such incorporated municipality adopts this section and requests the county to enforce the adopted provisions thereof within its corporate limits, the county may thereafter administer and enforce the same within the incorporated municipality. The county executive is authorized to enter into agreements with incorporated municipalities to enforce and administer the provisions so adopted and to collect the administrative costs of implementation from such municipalities. (1983 L.M.C., ch. 50, § 2.)

**Editor's note--**The above section was held to be invalid by the Court of Appeals in



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Montgomery County, Maryland, et al. v. Atlantic Gunds, Inc., et al., 302 Md. 540, 489 A.2d 1114 (1985). The above section is interpreted in Washington Suburban Sanitary Commission v. Elgin, 53 Md.App. 452, 454 A.2d 408 (1983).

### **Sec. 57-13. Use of public funds.**

(a) The County must not give financial or in-kind support to any organization that allows the display and sale of guns at a facility owned or controlled by the organization. Financial or in-kind support means any thing of value that is not generally available to similar organizations in the County, such as a grant, special tax treatment, bond authority, free or discounted services, or a capital improvement constructed by the County.

(b) An organization referred to in subsection (a) that receives direct financial support from the County must repay the support if the organization allows the display and sale of guns at the organization's facility after receiving the County support. The repayment must include the actual, original value of the support, plus reasonable interest calculated by a method specified by the Director of Finance. (2001 L.M.C., ch. 11, § 1.)

**Editor's note**—2001 L.M.C., ch. 11, § 2, states:

(a) Section 57-13 of the County Code, as amended by Section 1 of this Act, applies to:

- (1) support that an organization receives from the County after December 1, 2001; and
- (2) the display of a gun for sale at the facility after December 1, 2001.

(b) Section 57-13 expires on December 1, 2011.

### **Sec. 57-14. Exemptions from Chapter.**

Nothing in this Chapter applies to the purchase, ownership, or possession of a bona fide antique gun that is incapable of use as a gun. Except as provided in Sections 57-7 and 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a firearm on that land for the purpose of killing predatory animals which prey on, damage or destroy property, livestock, or crops. (1981 L.M.C., ch. 42, § 1; 1997 L.M.C., ch. 14, §1; 2001 L.M.C., ch. 11, § 1.)

**Editor's note**—Section 57-14, formerly § 57-8, was renumbered, amended, and retitled pursuant to 2001 L.M.C., ch. 11, § 1.



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### **Sec. 57-15. Penalty.**

Any violation of this Chapter or a condition of an approval certificate issued under this Chapter is a Class A violation to which the maximum penalties for a Class A violation apply. Any violation of Section 57-8 is a Class A civil violation. (Mont. Co. Code 1965, § 109-9; 1983 L.M.C., ch. 22, § 1; CY 1991 L.M.C., ch. 21, § 1; 1997 L.M.C., ch. 16; 2001 L.M.C., ch. 11, § 1.)

**Editor's note**—Section 57-15, formerly § 57-9, was renumbered and amended pursuant to 2001 L.M.C., ch. 11, § 1.



Bill No. 3-05  
Concerning: Boards, Committees, and  
Commissions – Specific Provisions  
Revised: 9-23-05 Draft No. 4  
Introduced: February 1, 2005  
Enacted: September 27, 2005  
Executive: October 7, 2005  
Effective: January 6, 2006  
Sunset Date: None  
Ch. 24, Laws of Mont. Co. 2005

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Praisner and Leventhal

**AN ACT** to:

- (1) revise the composition, membership, and terms of certain County boards, committees, and commissions;
- (2) rename certain boards, committees, and commissions;
- [[ (3) require the County Board of Appeals to issue certain decisions in a timely manner; ]]
- (3) give the County Council the option to designate or decline to designate members of certain boards, committees, and commissions;
- (4) repeal [[the Advisory Committee on Consumer Affairs,]] the Partnership Board, the Citizens Review Panel Advisory Group, and the Collection Advisory Subcommittee of the Solid Waste Advisory Committee [[and the recreation area advisory boards]];
- (5) repeal the requirement that applicants for membership on the Commission on Landlord-Tenant Affairs submit financial disclosure forms;
- (6) expand the membership of the Silver Spring urban district advisory board; and
- (7) generally amend the County law regarding the membership, structure, and functions of boards, committees, and commissions.

By repealing

Montgomery County Code  
[[Chapter 11, Consumer Protection  
Section 11-3]]

[[Chapter 41, Recreation and Recreation Facilities  
Section 41-25 through 41-30]]

Chapter 48, Solid Wastes  
Section 48-42



Collection Advisory Subcommittee serve for such terms as they serve on the Solid Waste Advisory Committee.]]

[[b) In addition to the 5 voting members of the Collection Advisory Subcommittee, there shall be on that subcommittee one ex officio, nonvoting member representing the Maryland-National Capital Park and Planning Commission.]]

[[c) The purpose of the Solid Waste Collection Advisory Subcommittee shall be to advise the Committee on all matters relating to solid waste collection, including but not limited to recommendations on:

- (1) The delineation of Solid Waste Collection Districts within the County.
- (2) The development rules and regulations defining operating procedures for all types of solid waste collectors.
- (3) The development of inspection and monitoring programs for solid waste collection.
- (4) Recommend routes for access of vehicles to solid waste acceptance facilities.]]

57-2. [Range Approval Committee] Firearm Safety Committee.

- (a) There is a [Range Approval Committee] Firearm Safety Committee with 7 voting members appointed by the County Executive and confirmed by the County Council. The voting members should be [knowledgeable by training and experience] trained and experienced in the safe and sportsmanlike use of weapons. [The voting members are appointed by the County Executive and confirmed by the County Council.] The [County] Executive must [designates] designate one voting member [of the Range Approval Committee] to serve as Chair. [An employee of the Department of Police must be a non-voting



member of the Committee.] The Police Range Officer must serve as a non-voting member of the Committee.

\* \* \*

(c) The Committee must inspect any firing range operated by the Police Department every 3 years.

(d) The Committee must create a standard safety checklist to assure that all firing ranges are evaluated using the same criteria.

(e) The [Range Approval] Committee must keep a copy of each certificate.

**57-3. Change in urban area boundary.**

On February 1 each year, the County Executive, after consulting with the [Range Approval Committee] Firearm Safety Committee, must recommend to the County Council any appropriate change in the boundary of the urban area based on new development or reported incidents of weapons discharge near developed areas.

**57-4. Discharge of guns in the urban area.**

\* \* \*

(a) on any indoor or outdoor target, trap, skeet, or shooting range that the [Range Approval Committee] Firearm Safety Committee has inspected and approved in writing;

\* \* \*

**57-5. Discharge of guns outside the urban area.**

\* \* \*

(b) Except as provided in Sections 57-7 and 57-11, a person may discharge a gun:

(1) on any indoor or outdoor target, trap, skeet, or shooting range that the [Range Approval Committee] Firearm Safety Committee has inspected and approved in writing;



## **CHAPTER 57. WEAPONS — REGULATIONS**

COMCOR 57.04.01 Procedure to Allow Discharge of a Firearm Within the Urban Area Under a Deer Damage Control Permit Issued by Maryland Department of Natural Resources and Approved by the Chief of Police

COMCOR 57.06.01 Safety Guidelines for Target Archery Practice

COMCOR 57.08.01 Child Safety Handgun Devices

### **SEC. 57-4 (formerly § 57-3) DISCHARGE OF GUNS IN THE URBAN AREA — REGULATIONS**

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**COMCOR 57.04.01 Procedure to Allow Discharge of a Firearm Within the Urban Area Under a Deer Damage Control Permit Issued by Maryland Department of Natural Resources and Approved by the Chief of Police**

#### **57.04.01.01 Purpose**

Procedure to allow the discharge of a firearm within the urban area under a deer damage control permit issued by the Maryland Department of Natural Resources and approved by the Chief of Police.

#### **57.04.01.02 Procedures**

When the Department of Natural Resources (DNR) receives a request for a deer damage control permit at a location within the urban area, DNR will contact the Montgomery County Police Department's (MCPD) police district serving the area in which the requestor's site is located. The DNR agent and an executive officer (lieutenant or above) from the police district will thereafter meet at the location where the permit has been requested within three (3) calendar days of the formal request.

The DNR agent and MCPD executive officer will together inspect the location to resolve any issues or questions. The DNR agent will have the sole responsibility for determining the need for the issuance of the deer damage control permit. The MCPD executive officer will inspect the site from the standpoint of safety issues that may necessitate restricting the use of a firearm to carry out the stated purpose of the deer damage control permit.

If the DNR agent determines that a deer damage control permit is to be issued, he will complete the permit listing the permit's tag numbers to be used and give the completed permit to the MCPD executive officer. The MCPD executive officer will then complete a MCP Form # 590, Addendum to DNR Deer Damage Control Permit, listing all deer tag numbers and



## COMCOR - Code of Montgomery County Regulations

restrictions with which the permit holder must comply. The MCPD executive officer will forward the deer damage control permit and addendum along with a memorandum outlining the reasons for any restrictions to the Chief of Police for review and signature within three (3) calendar days.

After reviewing the documentation submitted for the deer damage control permit from both the DNR and MCPD executive officer, the Chief of Police will either approve or disapprove the request, sign and date the MCP Form # 590. After signing, the originals of the MCP Form # 590 and the Deer Damage Control Permit will be returned to the person requesting the permit by U.S. mail within four calendar days. The remaining two copies of the forms will be forwarded to the Department of Natural Resources for their records. The Department of Police will maintain their our files.

### **57.04.01.03 Applicability**

Any person within an urban area whose livelihood is threatened by property damage caused by deer may apply for a deer damage control permit.

### **57.04.01.04 Severability**

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

### **57.04.01.05 Effective Date**

This regulation becomes effective 30 calendar days after approval by the County Council or 90 calendar days after Council receipt of the Regulation if Council takes no action within 60 days of receipt.

(Administrative History: Reg. No. 16-93 (Method 2); Orig. Dept.: Police; Supersedes Reg. No. 86- 91)

## **SEC. 57-6 (formerly § 57-4A) DISCHARGE OF BOWS — REGULATIONS**

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### **COMCOR 57.06.01 Safety Guidelines for Target Archery Practice**

#### **57.06.01.01 Purpose**

To establish safety guidelines for practicing target archery and to establish penalties for violations of this regulation.

#### **57.06.01.02**



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Target archery may be practiced in the County under the following circumstances:

- (a) Target archery may be practiced on public property in the County in any area designated for target archery.
- (b) Target archery may be practiced on private property in the County with the owner or occupant's written consent as long as:
  - (1) an arrow does not travel across or hit on a public road or strike any person, animal, or vehicle on a public road; and
  - (2) an arrow does not travel across or land on property owned or occupied by a person who has not given written consent for the target archery, or hit any person, animal, building, or vehicle.

### **57.06.01.03 Penalty**

Any violation of this regulation is a class A violation to which the maximum penalties for the class A violation apply.

### **57.06.01.04 Severability**

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

### **57.06.01.05 Effective Date**

This regulation becomes effective 30 calendar days after approval by the County Council or 90 calendar days after Council receipt of the Regulation if Council takes no action within 60 days of receipt.

(Administrative History: Reg. No. 85-92AMII (Method 2); Orig. Dept.: Police; Supersedes Reg. No. 85-92AM)

## **SEC. 57-8 (formerly § 57-5A) CHILD SAFETY HANDGUN DEVICES AND HANDGUNS — REGULATIONS**

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### **COMCOR 57.08.01 Child Safety Handgun Devices**

#### **57.08.01.01 Enforcement**

The director of the Department of Housing and Community Affairs or the director's authorized representative must initially inspect each firearm dealer to determine compliance with this regulation. Thereafter, random inspections will be made at the discretion of the director or when a complaint is filed.



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**57.08.01.02 Child Safety Handgun Device Approval**

A child safety handgun device that meets the requirements of Section III\* is approved unless the director of the Department of Housing and Community Affairs finds in a review that the device is not effective in rendering the handgun inoperable. The director of Housing and Community Affairs will maintain a publicly available list of unapproved child safety handgun devices.

**\*Editor's note**—see 57.08.01.03

**57.08.01.03 Child Safety Handgun Device Requirements**

A. The firearm dealer must maintain a record indicating that a child safety handgun device was provided to the recipient of a handgun. The director of the Department of Housing and Community Affairs, the director's authorized representative, or any officer or other authorized employee of a law enforcement agency may inspect these records.

B. The child safety handgun device must be either:

1. a lock that attaches to the handgun to prevent movement of the trigger of the handgun or otherwise renders the handgun inoperable until removed by a key or combination; or
2. a lockable box designed to hold the handgun being transferred that requires a key or combination to open and renders the handgun inoperable when locked.

**57.08.01.04 Public Notification**

A. Signs for Firearm Dealers Having a Retail Store

1. A sign must be posted in plain view in the sales area.
2. The sign must state the following: "Section 57-5A of the Montgomery County Code requires that a child safety handgun device be provided by the firearm dealer at the time of purchase, lease, or transfer of each handgun. State law prohibits keeping firearms anywhere an unsupervised child could gain access to the firearm".
3. The sign must have letters at least 3/4 inches in height and a contrasting color to the sign background.

B. Notices for Firearm Dealers Not Having a Retail Store

1. A firearm dealer not having a retail store must provide a written notice with the wording in A.2 above.
2. The notice must be given by the firearm dealer to the recipient of



## COMCOR - Code of Montgomery County Regulations

any handgun at the time of purchase, lease; or transfer.

3. The notice must be at least font size 12 and on paper of a contrasting color.

### C. Source of Signs and Notices

1. The sign or notice may be purchased from the Department of Housing and Community Affairs. The Department of Housing and Community Affairs may charge a fee for the sign or notice not to exceed the cost of producing the sign or notice.

2. The firearm dealer may provide the sign or notice provided that they comply with Section IV A or B\* above.

**\*Editor's note**—see 57.08.01.04A or B

### **57.08.01.05 Severability**

If a court holds that a portion of this regulation is invalid, the other portions remain in effect.

(Administrative History: Reg. No. 43-97AM (Method 2); Orig. Dept.: Health and Human Services)



**Document 1 of 5****Source:**

Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 2. ORGANIZATION AND AUTHORITY OF UNIT PERTAINING TO WILDLIFE - IN GENERAL /§ 10-206. When Department may reduce wildlife in identifiable areas.

**§ 10-206. When Department may reduce wildlife in identifiable areas.**

The Department may reduce the wildlife population in any county, election district, or other identifiable area of the State after a thorough investigation reveals that protected wildlife is seriously injurious to agricultural or other interests in the affected area. The method of reducing the wildlife population is at the Department's discretion, except that trapping is preferred whenever feasible. The Department shall dispose of wildlife taken pursuant to the provisions of this section as the Department deems advisable.

[An. Code 1957, art. 66C, § 132; 1973, 1st Sp. Sess., ch. 4, § 1; 1990, ch. 6, § 2.]

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**Document 2 of 5****Source:**

Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 4. HUNTING RESTRICTIONS - IN GENERAL /§ 10-415. Deer hunting - In general.

**§ 10-415. Deer hunting - In general.**

(a) *Deer seasons.* - There are the following 3 seasons to hunt deer:

- (1) Deer bow hunting season;
- (2) Deer firearms season; and
- (3) Deer muzzle loader season.

(b) (1) *Duty to report deer kill to checking station.* - Every person killing a deer shall report with the deer to a designated checking station within 24 hours after killing the deer.

(2) Notwithstanding any requirement of law, if the designated checking stations are closed in the county where a person kills a deer, a Natural Resources police officer shall authorize the person to report with the deer to a designated checking station in another county.

(c) *Bonus deer stamp.* -

(1) A person with a hunting license also may purchase bonus deer stamps from the Department.

(2) A bonus deer stamp allows a person with the hunting license to hunt 1 deer for each stamp purchased in any of the following hunting seasons for deer in the State:



(i) Deer bow hunting season;

(ii) Deer muzzle loader season; and

(iii) Deer firearms season.

(3) An individual who purchases a bonus antlered deer stamp but does not use it during a particular season may use that stamp during any subsequent season in that hunting license year.

(4) The fee for each bonus antlered deer stamp issued in accordance with this subsection shall be \$10.00 for residents and \$25.00 for nonresidents.

(5) The Department may establish by regulation the type and number of deer stamps issued under this subsection if necessary to control the deer harvest in various areas of the State.

(d) *Same - Basic hunting license.* - Repealed.

(e) *Checking and weighing deer at station before removing head or hide; prima facie evidence of violation.* - A person may not remove the head or hide or any part from any deer, except internal organs, or cut the meat into parts until the deer has been checked by the Department or 1 of the Department's agents at a designated checking station. Removal of the head or the hide of any deer not checked at a designated checking station shall be prima facie evidence that the deer was hunted illegally. Each separate deer or part of any deer taken illegally or found in possession shall be considered a separate offense.

(f) *Accidental killing by motor vehicle.* - Any person who, while operating a motor vehicle on any highway in the State, accidentally strikes and kills a deer on the highway may have the deer if the person produces visible evidence of collision with the deer to any Natural Resources police officer, State law enforcement officer, or other designated representative of the Secretary. The provisions of this subsection shall be applicable to deer killed by collision with a motor vehicle at any time whether during the open season for killing deer or during the legally closed season.

(g) *Hunting deer in waters of the State prohibited.* - A person may not hunt a deer while the deer is taking refuge in or swimming through the waters of the State.

(h) *Antlered and antlerless requirements.* - Abrogated.

(i) *Variance from established season.* - Upon written request from a federal facility for a variance from the established deer hunting season, the Department shall review the request and may:

(1) Approve the request;

(2) Deny the request; or

(3) Approve the request with conditions.

[An. Code 1957, art. 66C, §§ 132A, 196, 197; 1973, 1st Sp. Sess., ch. 4, § 1; 1974, chs. 82, 139; 1976, ch. 301, § 3; 1978, ch. 97; 1981, ch. 403; 1985, ch. 589; 1988, ch. 724, § 1; 1989, chs. 512, 663, 686; 1990, ch. 6, § 2; ch. 547; 1991, ch. 128; 1998, ch. 763; 1999, ch. 641; 2000, ch. 122; 2001, ch. 516, § 2; 2002, ch. 177, § 2; 2003, chs. 20, 170.]



**Source:**

Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 4. HUNTING RESTRICTIONS - IN GENERAL /§ 10-416. Deer hunting - Prohibited methods.

**§ 10-416. Deer hunting - Prohibited methods.****(a) *Use of automatic firearms and certain bullets.* -**

(1) A person may not hunt deer in the State with any automatic firearm. In this subsection, an automatic firearm means a firearm designed to fire, or which is mechanically altered to fire, 2 or more shots with 1 continuous pressure on the trigger.

(2) A person may not use full metal-jacketed, incendiary, or tracer bullets in hunting deer in the State. However, the use of metal-jacketed bullets designed to expand on impact is not prohibited.

(3) A person may not hunt deer with any firearm that uses an ammunition clip holding more than 8 cartridges or bullets. In this paragraph, "ammunition clip" includes a cartridge or bullet holder called a banana clip.

**(b) *Hunting with dogs.* -**

(1) Except as provided in regulations adopted by the Department under paragraph (2) of this subsection, a person may not:

(i) Take a dog into the woods or possess or control a dog in the woods; and

(ii) Use the dog to hunt or pursue deer.

(2) The Department shall adopt regulations governing the use of dogs to aid in the prompt recovery of killed, wounded, or injured deer.

(3) (i) In Baltimore, Harford, Howard, Montgomery, Prince George's, Somerset, and Worcester counties, a person may not kill a dog found pursuing a deer.

(ii) In all other counties, any Natural Resources police officer, law enforcement officer, or any other person may kill any dog found pursuing any deer, except in accordance with regulations adopted under paragraph (2) of this subsection.

(iii) In Caroline, Dorchester, Talbot, Kent, Anne Arundel, Cecil, Charles, Garrett, St. Mary's, Queen Anne's, Frederick, Carroll, and Calvert counties, dogs that are engaged in fox hunting and who have broken away may not be killed under this paragraph.

**(c) *Hunting with spotlights.* -** A person or 2 or more persons together may not throw or cast the rays of a spotlight, headlight, artificial light, battery, or other device on any highway or in any field, woodland, or forest while possessing or having under control a firearm or other implement by which any deer could be killed, even though the deer is not shot at, injured, or killed. The provisions of this subsection do not apply where the headlight of a motor vehicle, operated by any person traveling on a highway in the usual way, casts a light upon deer on or adjacent to the highway and there was no attempt or intent to locate the deer.

**(d) *Penalty for hunting deer with spotlight.* -** Any person who violates any provision of subsection (c) of this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$2,000 or imprisonment for not more than 6 months or both, with costs imposed in the discretion of the court. Any person convicted of violating the provisions of this subsection shall have the person's hunting license revoked and shall be denied the privilege of hunting in the State for at least 2 and not exceeding 5 years. In addition to these penalties, every spotlight, artificial



light, battery, or device to spot, locate, or hunt for deer, and every firearm, bow and arrow, or device capable of killing a deer, found in or on any vehicle or in possession of the person convicted, or used to violate the provisions of this subsection, shall be confiscated and disposed of by the Secretary as the Secretary deems advisable.

[An. Code 1957, art. 66C, §§ 196, 196A; 1973, 1st Sp. Sess., ch. 4, § 1; 1976, ch. 466; 1977, ch. 507; 1988, ch. 76; 1990, ch. 6, § 2; 2000, ch. 640.]

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#### **Document 4 of 5**

**Source:**

Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 4. HUNTING RESTRICTIONS - IN GENERAL /§ 10-420. Muzzle loading hunting season for deer.

#### **§ 10-420. Muzzle loading hunting season for deer.**

The Department shall establish a separate season for hunting deer with muzzle loading firearms.

[1978, ch. 903.]

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#### **Document 5 of 5**

**Source:**

Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 4. HUNTING RESTRICTIONS - IN GENERAL /§ 10-420.1. Hunting deer with certain handguns.

#### **§ 10-420.1. Hunting deer with certain handguns.**

Notwithstanding any hunting law or regulation to the contrary, a person may hunt deer with a handgun having a barrel length of 6 inches or longer and ammunition which produces a muzzle energy of 700 foot pounds or more during the firearms hunting season only in hunting areas where a high-powered rifle is allowed as provided in § 10-415 of this subtitle.

[1979, ch. 629.]

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(29)



**Document 1 of 7****Source:**

Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 2. ORGANIZATION AND AUTHORITY OF UNIT PERTAINING TO WILDLIFE - IN GENERAL /§ 10-206. When Department may reduce wildlife in identifiable areas.

**§ 10-206. When Department may reduce wildlife in identifiable areas.**

The Department may reduce the wildlife population in any county, election district, or other identifiable area of the State after a thorough investigation reveals that protected wildlife is seriously injurious to agricultural or other interests in the affected area. The method of reducing the wildlife population is at the Department's discretion, except that trapping is preferred whenever feasible. The Department shall dispose of wildlife taken pursuant to the provisions of this section as the Department deems advisable.

[An. Code 1957, art. 66C, § 132; 1973, 1st Sp. Sess., ch. 4, § 1; 1990, ch. 6, § 2.]

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**Document 2 of 7****Source:**

Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 4. HUNTING RESTRICTIONS - IN GENERAL /§ 10-410. Restrictions on hunting wildlife generally.

**§ 10-410. Restrictions on hunting wildlife generally.****(a) *Sundays.* -**

(1) Except as provided in paragraphs (2) and (3) of this subsection, a person may not hunt any game bird or mammal on Sundays.

(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10-906(b) (3) of this title are met, a person:

1. Using a regulated shooting ground under § 10-906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

(30)



D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays; and

(iv) Subject to the provisions of § 10-411 of this subtitle, in Dorchester County, a person hunting deer on private property with a bow and arrow during open season on the last three Sundays in October and the second Sunday in November.

(3) Provided that the provisions of § 10-415 of this title are met and subject to paragraph (4) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

(i) The bow hunting season in November; and

(ii) The deer firearms season.

(4) The Sunday deer hunting provisions under paragraph (3) of this subsection do not apply:

(i) In Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Prince George's, Somerset, Wicomico, and Worcester counties; and

(ii) In Baltimore City.

(b) *Nighttime.* - A person may not hunt any game bird or mammal, except raccoon and opossum, at nighttime.

(c) *Hunting from vehicles.* -

(1) A person may not shoot at any species of wildlife from an automobile or other vehicle or, except as provided in § 4-203(b) of the Criminal Law Article and Title 5, Subtitle 3 of the Public Safety Article, possess in or on an automobile or other vehicle a loaded handgun or shotgun, or a rifle containing any ammunition in the magazine or chamber.

(2) If this subsection is violated by an occupant of a vehicle which has 2 or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle, if present, shall be presumed to be responsible for the violation. In the absence of the owner of the vehicle, the operator of the vehicle shall be presumed to be responsible for the violation.

(3) Provisions of this subsection do not apply to a disabled person who obtains a special permit under § 10-307 of this title.

(d) *Pursuing wildlife with off-road vehicles.* -

(1) (i) For the purposes of this subsection, "off-road vehicle" means a motorized vehicle designed for or capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain.

(ii) "Off-road vehicle" includes four-wheel drive or low-pressure tire vehicles, automobiles, trucks, motorcycles and related two-wheel vehicles, amphibious machines, ground-effect or air-cushion vehicles, snowmobiles, boats, farm-type tractors, earth-moving or construction equipment, lawn mowers, snowblowers, garden or lawn tractors, or golf carts.

(2) A person may not pursue wildlife with an off-road vehicle.

(e) *Hunting at nighttime with lights; casting artificial light from vehicle on woods, wild animals, etc.* -

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(1) A person or 2 or more persons together may not hunt or attempt to hunt at nighttime any species of wild bird or wild quadruped with a light, including the headlights of any vehicle, and a person may not cast the rays of any artificial light when the rays emanate from a vehicle on any woods, fields, orchards, livestock, wild animals or birds, dwellings, or buildings. The provisions of this paragraph do not apply to the normal use of headlights of a vehicle travelling on any public or private road in a normal manner, to any police, emergency or utility company vehicle using spotlights in the performance of their duties, or to any farmer or landowner on the farmer's or landowner's own or leased land using artificial lights to check on the farmer's or landowner's land, crops, livestock, or poultry. However, raccoons, fox, or opossum may be hunted on foot at nighttime during open season with the use of a dog or light, or both.

(2) (i) In Baltimore City and Montgomery and Prince George's counties only, a person may cast the rays of an artificial light from a vehicle on woods, fields, orchards, livestock, wild animals, or wild birds for the sole purpose of observing or photographing wildlife until 9:00 p.m.

(ii) If a person casts the rays of any artificial light under this paragraph, the person has the burden of establishing that the person was doing so for the purposes of observing or photographing wildlife.

(iii) If a person casting artificial light under this paragraph or anyone with the person casting artificial light has a firearm or bow in the person's possession, the person shall be presumed to be in violation of paragraph (1) of this subsection.

(f) *Shooting from and across highways.*- A person may not shoot at any species of wildlife on, from, or across any paved public highway or the shoulder of the highway. A person may not shoot from any public highway, whether paved or unpaved, in Kent County and Queen Anne's County or shoot from any public road, whether paved or unpaved, within the boundaries of the Hanover municipal waterworks property in Carroll County.

(g) *Shooting or disturbing wildlife within safety zones.*- A person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the "safety zone," of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant. During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

(h) *Digging in or driving on cleared field prohibited.*- A person may not dig in or drive a motor vehicle on any cleared field while hunting, except with the permission of the owner, tenant, or other person in charge of the land, or park or leave standing any motor vehicle so that the motor vehicle blocks the means of ingress or egress to any person's property, cattle ways, or fields.

(i) *Carrying firearm while hunting under the influence of alcohol or narcotic drug.*- A person may not carry a firearm to hunt any wild bird, mammal, amphibian, or reptile while intoxicated or under the influence of alcohol or any narcotic drug.

(j) *Hunting from aircraft.*-

(1) A person may not hunt or attempt to hunt wild birds or mammals from an aircraft within the State.

(2) Any person who violates provisions of this subsection is guilty of a misdemeanor and upon conviction is subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months or both, with costs imposed in the discretion of the court.

(k) *Snaring.*- A person may not set any trap, except box traps for rabbits, net, or snare of any description to take any game birds or mammals, except fur-bearing mammals. A trap, net, or snare found in the possession of any person shall be prima facie evidence that the device was used to violate this subsection. A law enforcement officer of the State shall confiscate and destroy the device. A person may not place traps of any description on another person's property without



the other person's written permission.

(l) *Hunting with ferrets or weasels.*- A person may not hunt with any ferret or weasel.

(m) *Killing wildlife by poison.*- A person may not kill, attempt to kill, or injure by poison wildlife or domestic poultry.

(n) *Molesting game birds or mammals in dens.*- A person may not smoke, burn, injure, hunt, or molest any game birds or mammals in any den or damage or destroy the den of any game bird or mammal.

(o) *Steel jaw leghold traps in certain counties.*-

(1) In Anne Arundel, Baltimore, Montgomery, and Prince George's counties, a person may not use, set, place, or maintain any steel jaw leghold trap on land. The steel jaw leghold trap may be used for the capture of fur-bearing mammals in water only.

(2) This subsection does not apply to:

(i) Traps set on farmland by the owner of the farmland, by the owner's agent or tenant, owner's lessee, or by any member of the owner's or tenant's immediate family who resides on the farmland; or

(ii) Traps set by an authorized agent of the Maryland Forest, Park and Wildlife Service who exercises the agent's duties for wildlife control under guidelines established by the Department.

(p) *Snare traps in certain counties.*-

(1) (i) "Snare trap" means a device made of wire, synthetic cord, or other material that:

1. Is in the form of a noose with a slipknot, stop, swivel, or eyelet holes; and

2. Is designed or set with the intent of capturing an animal by the neck.

(ii) "Snare trap" includes:

1. A pole snare;

2. A hanging snare; and

3. A neck snare.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in Anne Arundel, Baltimore, Carroll, Cecil, Harford, Montgomery, and Prince George's counties, a person may not use, sell, possess, set, place, or maintain a snare trap.

(ii) In Anne Arundel County, from July 1, 1990 through June 30, 1992, a person may sell or possess a snare trap.

[An. Code 1957, art. 1A, § 30; art. 27, §§ 154, 578A; art. 66C, §§ 132, 142, 143; 1973, 1st Sp. Sess., ch. 4, § 1; 1974, ch. 419; 1976, chs. 466, 508; 1977, ch. 795; 1978, chs. 15, 893; 1979, ch. 568; 1980, ch. 193; 1981, chs. 52, 116, 176, 481; 1982, ch. 17, § 7; chs. 154, 408; 1983, ch. 271; 1984, chs. 136, 193, 448; 1985, ch. 455; 1987, chs. 117, 201, 513, 657; 1988, ch. 6, § 1; chs. 52, 462; 1989, ch. 5, § 1; 1990, ch. 6, § 2; ch. 541; 1991, ch. 55, § 1; ch. 100; ch. 359, §§ 1, 2; 1992, ch. 22, § 1; 1993, ch. 298; 1994, ch. 500, § 2; 1995, ch. 513; 2002, ch. 213, § 6; 2003, chs. 17, 170; 2004, ch. 25, § 1; 2005, ch. 267.]



**Document 3 of 7****Source:**

Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 4. HUNTING RESTRICTIONS - IN GENERAL /§ 10-411. Hunting on private lands.

**§ 10-411. Hunting on private lands.**

- (a) *Permission required.*- A person may not upon any pretense come to hunt on the lands owned by another person without the written permission of the landowner or the landowner's agent or lessee.
- (b) *Liability of hunter.*- Any person hunting on this private property is liable for any damage the person causes to the private property while hunting on the private property.
- (c) *Liability of landlord.*- The landowner may not be liable for accidental injury or damage to the person whether or not the landowner or the landowner's agent gave permission to hunt on the private property.
- (d) *Harford County.*- In Harford County a person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$25 and not exceeding \$250.

[An. Code 1957, art. 27, §§ 268-268D, 578; 1973, 1st Sp. Sess., ch. 4, § 1; 1977, chs. 236, 586; 1979, chs. 57, 488; 1980, ch. 221; ch. 712, § 2; 1981, ch. 481; 1982, ch. 407; 1983, chs. 7, 16, 439, 466; 1984, chs. 133, 239; 1985, chs. 349, 400; 1987, ch. 184; 1988, ch. 191; 1989, ch. 75; 1990, ch. 6, § 2; ch. 530; 2003, ch. 5, § 3; ch. 170.]

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**Document 4 of 7****Source:**

Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 4. HUNTING RESTRICTIONS - IN GENERAL /§ 10-415. Deer hunting - In general.

**§ 10-415. Deer hunting - In general.**

- (a) *Deer seasons.*- There are the following 3 seasons to hunt deer:
- (1) Deer bow hunting season;
  - (2) Deer firearms season; and
  - (3) Deer muzzle loader season.
- (b) (1) *Duty to report deer kill to checking station.*- Every person killing a deer shall report with the deer to a designated checking station within 24 hours after killing the deer.

- (2) Notwithstanding any requirement of law, if the designated checking stations are closed in the county where a person kills a deer, a Natural Resources police officer shall authorize the person to report with the deer to a designated



checking station in another county.

(c) *Bonus deer stamp.* -

(1) A person with a hunting license also may purchase bonus deer stamps from the Department.

(2) A bonus deer stamp allows a person with the hunting license to hunt 1 deer for each stamp purchased in any of the following hunting seasons for deer in the State:

(i) Deer bow hunting season;

(ii) Deer muzzle loader season; and

(iii) Deer firearms season.

(3) An individual who purchases a bonus antlered deer stamp but does not use it during a particular season may use that stamp during any subsequent season in that hunting license year.

(4) The fee for each bonus antlered deer stamp issued in accordance with this subsection shall be \$10.00 for residents and \$25.00 for nonresidents.

(5) The Department may establish by regulation the type and number of deer stamps issued under this subsection if necessary to control the deer harvest in various areas of the State.

(d) *Same - Basic hunting license.* - Repealed.

(e) *Checking and weighing deer at station before removing head or hide; prima facie evidence of violation.* - A person may not remove the head or hide or any part from any deer, except internal organs, or cut the meat into parts until the deer has been checked by the Department or 1 of the Department's agents at a designated checking station. Removal of the head or the hide of any deer not checked at a designated checking station shall be prima facie evidence that the deer was hunted illegally. Each separate deer or part of any deer taken illegally or found in possession shall be considered a separate offense.

(f) *Accidental killing by motor vehicle.* - Any person who, while operating a motor vehicle on any highway in the State, accidentally strikes and kills a deer on the highway may have the deer if the person produces visible evidence of collision with the deer to any Natural Resources police officer, State law enforcement officer, or other designated representative of the Secretary. The provisions of this subsection shall be applicable to deer killed by collision with a motor vehicle at any time whether during the open season for killing deer or during the legally closed season.

(g) *Hunting deer in waters of the State prohibited.* - A person may not hunt a deer while the deer is taking refuge in or swimming through the waters of the State.

(h) *Antlered and antlerless requirements.* - Abrogated.

(i) *Variance from established season.* - Upon written request from a federal facility for a variance from the established deer hunting season, the Department shall review the request and may:

(1) Approve the request;

(2) Deny the request; or

(3) Approve the request with conditions.



1978, ch. 97; 1981, ch. 403; 1985, ch. 589; 1988, ch. 724, § 1; 1989, chs. 512, 663, 686; 1990, ch. 6, § 2; ch. 547; 1991, ch. 128; 1998, ch. 763; 1999, ch. 641; 2000, ch. 122; 2001, ch. 516, § 2; 2002, ch. 177, § 2; 2003, chs. 20, 170.]

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## Document 5 of 7

**Source:**  
Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 4. HUNTING RESTRICTIONS - IN GENERAL /§ 10-416. Deer hunting - Prohibited methods.

### § 10-416. Deer hunting - Prohibited methods.

#### (a) *Use of automatic firearms and certain bullets.* -

(1) A person may not hunt deer in the State with any automatic firearm. In this subsection, an automatic firearm means a firearm designed to fire, or which is mechanically altered to fire, 2 or more shots with 1 continuous pressure on the trigger.

(2) A person may not use full metal-jacketed, incendiary, or tracer bullets in hunting deer in the State. However, the use of metal-jacketed bullets designed to expand on impact is not prohibited.

(3) A person may not hunt deer with any firearm that uses an ammunition clip holding more than 8 cartridges or bullets. In this paragraph, "ammunition clip" includes a cartridge or bullet holder called a banana clip.

#### (b) *Hunting with dogs.* -

(1) Except as provided in regulations adopted by the Department under paragraph (2) of this subsection, a person may not:

(i) Take a dog into the woods or possess or control a dog in the woods; and

(ii) Use the dog to hunt or pursue deer.

(2) The Department shall adopt regulations governing the use of dogs to aid in the prompt recovery of killed, wounded, or injured deer.

(3) (i) In Baltimore, Harford, Howard, Montgomery, Prince George's, Somerset, and Worcester counties, a person may not kill a dog found pursuing a deer.

(ii) In all other counties, any Natural Resources police officer, law enforcement officer, or any other person may kill any dog found pursuing any deer, except in accordance with regulations adopted under paragraph (2) of this subsection.

(iii) In Caroline, Dorchester, Talbot, Kent, Anne Arundel, Cecil, Charles, Garrett, St. Mary's, Queen Anne's, Frederick, Carroll, and Calvert counties, dogs that are engaged in fox hunting and who have broken away may not be killed under this paragraph.

(c) *Hunting with spotlights.* - A person or 2 or more persons together may not throw or cast the rays of a spotlight, headlight, artificial light, battery, or other device on any highway or in any field, woodland, or forest while possessing



or having under control a firearm or other implement by which any deer could be killed, even though the deer is not shot at, injured, or killed. The provisions of this subsection do not apply where the headlight of a motor vehicle, operated by any person traveling on a highway in the usual way, casts a light upon deer on or adjacent to the highway and there was no attempt or intent to locate the deer.

(d) *Penalty for hunting deer with spotlight.* - Any person who violates any provision of subsection (c) of this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$2,000 or imprisonment for not more than 6 months or both, with costs imposed in the discretion of the court. Any person convicted of violating the provisions of this subsection shall have the person's hunting license revoked and shall be denied the privilege of hunting in the State for at least 2 and not exceeding 5 years. In addition to these penalties, every spotlight, artificial light, battery, or device to spot, locate, or hunt for deer, and every firearm, bow and arrow, or device capable of killing a deer, found in or on any vehicle or in possession of the person convicted, or used to violate the provisions of this subsection, shall be confiscated and disposed of by the Secretary as the Secretary deems advisable.

[An. Code 1957, art. 66C, §§ 196, 196A; 1973, 1st Sp. Sess., ch. 4, § 1; 1976, ch. 466; 1977, ch. 507; 1988, ch. 76; 1990, ch. 6, § 2; 2000, ch. 640.]

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#### Document 6 of 7

**Source:**

Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 4. HUNTING RESTRICTIONS - IN GENERAL /§ 10-420. Muzzle loading hunting season for deer.

#### § 10-420. Muzzle loading hunting season for deer.

The Department shall establish a separate season for hunting deer with muzzle loading firearms.

[1978, ch. 903.]

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#### Document 7 of 7

**Source:**

Maryland Code/NATURAL RESOURCES /TITLE 10. WILDLIFE/SUBTITLE 4. HUNTING RESTRICTIONS - IN GENERAL /§ 10-420.1. Hunting deer with certain handguns.

#### § 10-420.1. Hunting deer with certain handguns.

Notwithstanding any hunting law or regulation to the contrary, a person may hunt deer with a handgun having a barrel length of 6 inches or longer and ammunition which produces a muzzle energy of 700 foot pounds or more during the



firearms hunting season only in hunting areas where a high-powered rifle is allowed as provided in § 10-415 of this subtitle.

[1979, ch. 629.]

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08.03.04.02

## **.02 Deer Management Permit Procedures.**

A. Form of Request. Pursuant to Natural Resources Article, §10-206, Annotated Code of Maryland, a person may request that the Service investigate severe damage caused by deer for the purpose of having the Service reduce the deer population in the area.

B. Investigation. Upon receipt of a request for investigation, an investigator shall be assigned by the Service to investigate the area of alleged deer damage. The investigator shall furnish written findings to the Service on a form prescribed by the Service. The report shall contain a recommendation of action to be taken, if any, to reduce deer in the area.

### **C. Service Action.**

(1) A deer management permit may be issued to a landowner, or the agricultural lessee of a landowner, for economic loss to:

(a) Commercial agricultural crops, including row crops, truck crops, and pasture;

(b) Orchard or nursery stock;

(c) Christmas trees;

(d) Ornamental vegetation; or

(e) Woodland areas that have forest management plans or tree planting plans that are written by a Department forester or a licensed private forester.

(2) At the earliest practicable time, but within 15 days from receipt of the formal request, the request and investigation report shall be reviewed by the Director or his representative, who shall decide what action shall be taken, if any, to reduce the deer population. The Director shall notify the complainant in writing of his decision.

(3) Factors to be considered include:

(a) Nature, extent, and severity of damage as shown by investigation;

(b) Type of damage;

(c) Time of year;

(d) Deer population surveys and estimates.

D. An individual is ineligible to receive a deer management permit, or to act as an agent under the authority of a deer management permit, if the individual:

(1) Cannot legally possess a firearm;

(2) Is ineligible to receive a Maryland hunting license;

(3) Is within a period of license revocation or cancellation; or

(4) Has been convicted of a violation of Natural Resources Article, Title 10, Annotated Code of Maryland, within a 2-year period before the date of the application for the deer management permit.

### **E. Deer Reduction Procedure.**

(1) If the Service determines that deer population reduction is necessary to prevent severe damage by deer in an area, the reduction shall be accomplished according to the procedures in this section.

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(2) The Service shall issue a deer management permit to the landowner or lessee, who is a permittee under this regulation. A lessee shall secure permission of the landowner before using a deer management permit. The permit shall be valid for a period to be determined by the Service.

(3) The permit in §E(1) of this regulation shall describe:

- (a) The hunting device to be used;
- (b) The number of deer to be shot; and
- (c) Whether the deer taken is antlered, antlerless, or both.

(4) Each permittee shall be issued a number of deer management permit tags equal to the number of deer authorized to be killed under permit. The permittee and all agents shall possess a copy of the deer management permit while attempting to take deer under the terms of the permit.

(5) The permittee, or agent of the permittee as described in §E of this regulation, is responsible for tagging each deer before removing the carcass from the place of kill. The permittee is responsible for returning the used tags, or the bottom portion of the used tags, to the Service in accordance with the date set forth on the deer management permit. The tag shall remain with the deer until the deer is consumed or otherwise disposed of as provided in this regulation.

(6) Agents.

(a) A permittee may designate individuals to serve as his agents for the purpose of shooting the deer during the period for which the permit is issued. All agents shall be approved by the Director or his representative, and their names shall be noted on the permit by the Director or his representative.

(b) Agents shall possess a current, valid Maryland hunting license when shooting deer during the bow, firearms, or muzzleloader season. Exempt from this requirement to possess a hunting license are those individuals so exempted pursuant to Natural Resources Article, §10-301(b), Annotated Code of Maryland.

(c) Agents shooting deer under the authority of a deer management permit using a firearm, or any weapon during the firearms or muzzleloader season shall wear fluorescent orange clothing in accordance with Natural Resources Article, §10-418(b), Annotated Code of Maryland. Landowners or lessees are exempt from this fluorescent orange requirement.

(d) An agent may not take a deer under the authority of the deer management permit during an established deer hunting season until that agent has taken at least one deer towards the regular hunting license bag limit for that season and applicable deer management region.

(7) Deer or parts of a deer shot under a deer management permit shall be disposed of in the manner provided for in the permit.

(8) Using a Deer Management Permit During an Open Season.

(a) Except as provided for in §E(8)(b) and (c) of this regulation, permittees and their agents shooting deer under the authority of a deer management permit during the bow, firearms, or muzzleloader season shall conform to those laws and regulations pertaining to the hunting of deer in the county where the permit is valid.

(b) An individual may shoot deer during any established deer hunting season with any hunting device allowed to be used during the deer firearms season in the region where the permit is issued, if that individual is:

- (i) The permittee;
- (ii) Allowed to hunt on the property without a license as described in Natural Resources, §10-301, Annotated Code of Maryland;
- (iii) A commercial farm employee who receives an Internal Revenue Service W-2 form from the permittee; or
- (iv) A nonresident owner of land who purchases a hunting license.

(c) In Montgomery County, all permittees and agents, during the time that the deer management permit is valid, may use any hunting



device legal for hunting deer during the deer firearms season in the county, if the date of the deer reduction is on or before February 28, 2007.

F. The deer management permit may contain other terms and conditions considered appropriate by the Department.

G. Appeal Procedure. A person who has applied to the Service for relief from damage by deer and is denied a permit, may file, within 15 days after the decision was mailed, a petition for a hearing with the Director of the Service. At the hearing, the complainant and Service personnel may produce evidence relating to reduction of deer to alleviate damage by deer in the affected area. The Director of the Service shall render this decision in writing to the complainant within 15 days following the date of the hearing. The complainant, if further aggrieved, may initiate proceedings for an appeal to the Assistant Secretary for Resource Management Service, Tawes State Office Building, Annapolis, Maryland 21401.

H. Violations of any provision or restriction of the deer management permit constitute a violation of this regulation.



08.03.03.06

**.06 Deer Hunting—General.****A. Regional Management.**

- (1) The seasons and bag limits for white-tailed deer are set on a regional basis.
- (2) The two deer management regions are:
  - (a) Deer management region A includes Allegany (Zones 1 and 2) and Garrett (Zones 1 and 2) counties; and
  - (b) Deer management region B includes Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Charles, Dorchester, Frederick (Zones 1 and 2), Harford, Howard, Kent, Montgomery, Prince George's, Queen Anne's, Somerset, St. Mary's, Talbot, Washington (Zones 1 and 2), Wicomico, and Worcester counties and Baltimore City.
- (3) There are four counties with deer management zones as follows:
  - (a) Allegany County Zone 1 is that portion of Allegany County from the Washington-Allegany county line west to Town Creek;
  - (b) Allegany County Zone 2 is that portion of Allegany County west of Town Creek to the Allegany-Garrett county line;
  - (c) Garrett County Zone 1 is that portion of Garrett County from the Allegany-Garrett county line west to a line at Route 40 at the Pennsylvania state boundary line to the junction of Routes 40 and 219 at Keyser's Ridge, then south on Route 219 to Route 135, then east on Route 135 to Route 560, and then south on Route 560 to the Potomac River at Gorman;
  - (d) Garrett County Zone 2 is the portion of Garrett County west of a line beginning at Route 40 at the Pennsylvania state boundary line to the junction of Routes 40 and 219, then south on Route 219 to Route 135, then east on Route 135 to Route 560, and then south on Route 560 to the Potomac River at Gorman;
  - (e) Washington County Zone 2 is the western portion of Washington County, from the Allegany-Washington county line eastward to a line beginning at the intersection of Route 494 (Pennsylvania Route 75) and the Pennsylvania state boundary line, south on Route 494 to Route 57, south on Route 57 to Route 40 at St. Paul's Church, west on Route 40 to the junction of Big Spring Road and Route 40 in Clear Spring, south on Big Spring Road to the junction of Route 56 at Big Spring, follow Route 56 west to the junction with Charles Mill Road, and then south on Charles Mill Road to the Potomac River;
  - (f) Washington County Zone 1 is that portion of Washington County east of a line beginning at the intersection of Route 494 (Pennsylvania Route 75) and the Pennsylvania state line, south on Route 494 to Route 57, south on Route 57 to Route 40 at St. Paul's Church, west on Route 40 to the junction of Big Spring Road and Route 40 in Clear Spring, south on Big Spring Road to the junction of Route 56 at Big Spring, follow Route 56 west to the junction with Charles Mill Road, and then south on Charles Mill Road to the Potomac River;
  - (g) Frederick County Zone 1 is that portion of Frederick County that is both north of Interstate 70 and west of US Route 15; and
  - (h) Frederick County Zone 2 is that portion of Frederick County south of Interstate 70 and that portion of Frederick County east of US Route 15.

**B. Bonus Antlered Deer Stamps.**

- (1) An individual with a hunting license and the appropriate season stamp may purchase a bonus antlered deer stamp which allows the individual to hunt one additional antlered deer for that deer management region and season with each stamp purchased.
- (2) Pursuant to Natural Resources Article, §10-301, Annotated Code of Maryland, an individual allowed to hunt deer without a license does not need to purchase a bonus antlered deer stamp to take a bonus antlered deer.
- (3) An individual who purchases a bonus antlered deer stamp but does not use it during a particular season may use that stamp during any subsequent season in the same hunting license year.

(42)



- (4) Bonus antlered deer stamps are valid for white-tailed deer only.
  - (5) An individual shall purchase a bonus antlered deer stamp before hunting a bonus antlered deer.
- C. Fallow deer may be hunted in place of white-tailed deer during each season.



08.03.03.07

**.07 White-Tailed Deer—Seasons and Regional Bag Limits.**

Species	Season Dates	Season Bag Limits
<b>A. Region A.</b>		
<b>(1) Bow Season.</b>		
(a) Antlered or antlerless	September 15, 2004—October 20, 2004 October 25, 2004—November 26, 2004 December 13, 2004—December 17, 2004 January 3, 2005—January 31, 2005 September 15, 2005—October 19, 2005 October 24, 2005—November 25, 2005 December 12, 2005—December 16, 2005 January 2, 2006—January 31, 2006	1 antlered 1 antlerless
(b) Region A combined total bow season bag limit		1 antlered 1 antlerless
<b>(2) Muzzleloader Season.</b>		
(a)(i) Antlered only	Lands owned or controlled by the Department: October 21, 2004—October 23, 2004 October 20, 2005—October 22, 2005	No more than 1 deer may be taken in Region A during first segment in October.
(ii) Antlered or antlerless	Other lands: October 21, 2004—October 23, 2004 October 20, 2005—October 22, 2005	
(iii) Antlerless	Other lands: October 28, 2004—October 30, 2004 October 27, 2005	
(b)(i) Antlered only	Lands owned or controlled by the Department: December 18, 2004—December 30, 2004 December 17, 2005—December 30, 2005 Other lands: December 18, 2004—December 24, 2004 December 17, 2005—December 28, 2005	1 antlered
(ii) Antlered or antlerless	Lands owned or controlled by the Department: December 31, 2004—January 1, 2005 Other lands: December 25, 2004—January 1, 2005 December 29, 2005—December 31, 2005	1 antlerless
(c) Region A combined total muzzleloader season bag limit		1 antlered 1 antlerless
<b>(3) Firearms Season.</b>		
(a) Antlered or antlerless	November 13, 2004 (Junior Hunt) November 12, 2005 (Junior Hunt)	1
(b)(i) Antlered only	November 27, 2004—December 9, 2004	1 antlered 1 antlerless if no deer was taken during the Junior Hunt in

(44)



	November 26, 2005—December 9, 2005	Region A; or 1
(ii) Antlered or antlerless	December 10, 2004—December 11, 2004	1 antlered if an antlerless deer was taken during the junior Hunt in Region A; or 1 antlerless if an antlered deer was taken during the Junior Hunt in Region A
(c) Region A combined total firearms season bag limit		1 antlered 1 antlerless
B. Region B.		
(1) Bow Season.		
(a) Antlered or antlerless	September 15, 2004—October 20, 2004 October 25, 2004—November 26, 2004 December 13, 2004—December 17, 2004 January 3, 2005—January 6, 2005 January 10, 2005—January 31, 2005 September 15, 2005—October 19, 2005 October 24, 2005—November 25, 2005 December 12, 2005—December 16, 2005 January 2, 2006—January 5, 2006 January 9, 2006—January 31, 2006	2 antlered and 10 antlerless (except that in Anne Arundel, Baltimore, Howard, Montgomery and Prince George counties there is no limit for antlerless deer). No more than 2 deer may be antlered and at least 2 antlerless deer shall be taken before the second antlered deer may be taken. Bonus Antlered Deer Stamp required for second antlered deer.
(b) Region B combined total bow season bag limit		2 antlered and 10 antlerless (except that in Anne Arundel, Baltimore, Howard, Montgomery and Prince Georges counties there is no limit for antlerless deer). No more than 2 deer may be antlered and at least 2 antlerless deer shall be taken before the second antlered deer may be taken. Bonus Antlered Deer Stamp required for second antlered deer.
(2) Muzzleloader Season.		
(a) Antlered or antlerless	October 21, 2004—October 23, 2004 October 20, 2005—October 22, 2005	1 antlered and 10 antlerless
(b) Antlerless only	October 25, 2004—October 30, 2004 October 24, 2005—October 29, 2005	May not exceed Region B combined muzzleloader season bag limit when combined with previous muzzleloader segment.
		May not exceed Region B combined total muzzleloader season bag limit when combined with



(c) Antlered or antlerless	December 18, 2004—January 1, 2005 December 17, 2005—December 31, 2005	previous muzzleloader segments. No more than 2 antlered deer may be taken during the early and late muzzleloader seasons combined in Region B and at least 2 antlerless deer shall be taken before the second antlered deer may be taken. Bonus Antlered Deer Stamp required for second antlered deer.
(d) Region B combined total muzzleloader season bag limit		2 antlered and 10 antlerless No more than 2 deer may be antlered and at least 2 antlerless deer shall be taken before the second antlered deer may be taken. Bonus Antlered Deer Stamp required for second antlered deer.
(3) Firearms Season.		
(a) Antlered or antlerless	November 13, 2004 (Junior Hunt) November 12, 2005 (Junior Hunt)	3 No more than 1 may be antlered.
(b) Antlered or antlerless	November 27, 2004—December 11, 2004 January 7, 2005—January 8, 2005 November 26, 2005—December 10, 2005 January 6, 2006—January 7, 2006	May not exceed Region B combined total firearms season bag limit when combined with Junior Hunt segment. No more than 2 antlered deer may be taken during Junior Hunt and firearms seasons combined in Region B and at least 2 antlerless deer shall be taken before the second antlered deer may be taken. Bonus Antlered Deer Stamp required for second antlered deer.
(c) Region B combined total firearms season bag limit		2 antlered and 10 antlerless. No more than 2 deer may be antlered and at least 2 antlerless deer shall be taken before the second antlered deer may be taken. Bonus Antlered Deer Stamp required for second antlered deer.



08.03.03.08

**.08 Sika Deer.**

A. Sika deer may only be limited in Dorchester, Somerset, Wicomico, and Worcester counties.

Species	Season Dates	Season Bag Limits
<b>B. Bow Season.</b>		
(1) Antlered or antlerless	September 15, 2004—October 20, 2004 October 25, 2004—November 26, 2004 December 13, 2004—December 17, 2004 January 3, 2005—January 31, 2005 September 15, 2005—October 19, 2005 October 24, 2005—November 25, 2005 December 12, 2005—December 16, 2005 January 2, 2006—January 31, 2006	1 antlered 1 antlerless
(2) Sika deer combined total bow season bag limit		1 antlered 1 antlerless
<b>C. Muzzleloader Season.</b>		
(1) Antlered or antlerless	October 21, 2004—October 23, 2004 December 18, 2004—January 1, 2005 October 20, 2005—October 22, 2005 December 17, 2005—December 31, 2005	1 antlered 1 antlerless No more than 1 sika deer may be taken during the October muzzleloader season
(2) Sika deer combined total muzzleloader season bag limit		1 antlered 1 antlerless No more than 1 sika deer may be taken during the October muzzleloader season
<b>D. Firearms Season.</b>		
(1) Antlered or antlerless	November 13, 2004 (Junior Hunt) November 12, 2005 (Junior Hunt)	1
(2) Antlered or antlerless	November 27, 2004—December 11, 2004 November 26, 2005—December 10, 2005	1 antlered 1 antlerless if no sika deer was taken during the Junior Hunt; or 1 antlered if an antlerless sika deer was taken during the Junior Hunt; or 1 antlerless if an antlered sika deer was taken during the Junior Hunt.



08.03.04.17

**.17 Special Deer Hunting Seasons in State Parks.**

Hunting seasons and bag limits at all State parks shall conform to Statewide seasons and bag limits unless otherwise limited by COMAR 08.07.06.03. However, if necessary to reduce the white-tailed deer population in the area, the Director may request special white-tailed deer hunting seasons in State parks where it is necessary. The Director shall review the request and either approve it, deny it, or approve it with conditions.

(48)



08.03.04.18

**.18 Managed Deer Hunts.**

The Department may authorize a managed deer hunt to occur on private or public land, that is not subject to the season dates or bag limits in COMAR 08.03.03.07. A person, or persons, may apply to the Director of the Service to request permission to hold a managed deer hunt. The Director of the Service shall review the request and either approve it, describing the conditions under which the hunt may be held, or deny the request.



# Montgomery County Deer Management Program



## Annual Report and Recommendations FY 2005

Prepared by  
Montgomery County Deer Management Work Group  
Rob Gibbs, Chair  
June 2004

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### The Montgomery County Deer Management Work Group

Maryland Department of Natural Resources Wildlife and Heritage Division,  
M-NCPPC, Montgomery County Department of Park and Planning  
Montgomery County Cooperative Extension  
Montgomery County Police Department  
USGS, Biological Services Division, Patuxent Wildlife Research Station  
U. S. National Park Service

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## Montgomery County Deer Management Program Annual Report and Recommendations FY 2005

### Introduction

The Comprehensive Management Plan For White-tailed Deer in Montgomery County, MD, (Montgomery County Deer Management Work Group, 1995) calls for the Montgomery County Deer Management Work Group (DMWG), on an annual basis, to review deer-impact data and present a list of recommendations for the upcoming year. Recommendations will be submitted to and implemented by key County and State agencies and private landowners as appropriate.

This report briefly reviews the current status of the County's Deer Management Program, makes recommendations for FY 2005 (July 1, 2004 to June 30, 2005) and describes the rationale upon which these recommendations are based.

This year's report differs in a number of ways from those of previous years. It is presented in a much shorter format. The lengthy explanations of data collection methods and tables included in previous annual reports, that change very little from year to year, are not included here but will be added to the original deer management plan and available on-line at [www.mc-mncppc.org/environment/deer](http://www.mc-mncppc.org/environment/deer). This new report format will thus serve as an annual update to the deer management plan.

### Goal and Objectives

The goal of Montgomery County's deer management program is to reduce deer-human conflicts to a level that is compatible with human priorities and land uses. The deer management plan lists four objectives for attaining this goal.

1. Reduce, on a countywide basis, the number of deer-vehicle collisions (DVCs).
2. Reduce depredation on agricultural crops and home landscapes to levels acceptable to county residents.
3. Reduce the negative impacts of deer on natural communities to preserve native plant and animal diversity.
4. Continue a countywide education program to provide residents with information on deer, deer problems and how to minimize or prevent deer-human conflicts.

### Overview of Deer Management Program

The Deer Management Program has been in operation since 1995. During the past 9 years many deer management actions have been implemented in the county and progress has been made in addressing many of the negative impacts associated with high deer populations. These include:

#### Management Actions Implemented

- A comprehensive educational program on deer, their impacts and remedial methods including: informational brochures and publications, library materials, phone numbers for help, the seasonal use of Public Service Announcements about deer-vehicle collisions, local Cable TV Programs on deer management in the county, programs on deer through County nature centers.
- County deer information phone line (301-495-3585), phone numbers for reporting deer damage and receiving helpful information (301-949-2909/4149 or 1-877-463-6497) and internet web page ([www.mc-mncppc.org/environment/deer](http://www.mc-mncppc.org/environment/deer)) with educational information.
- An extremely successful program of workshops for homeowners on protecting their property from deer damage. Well over 1200 county residents and landscape professionals have attended.
- Test sites for wildlife reflector systems and experimental warning signs have been installed at eight locations along County roads identified as having high numbers of deer-vehicle collisions.
- Improved data collection for deer-vehicle collisions and other impacts using GIS system mapping.



# Deer-vehicle Collisions Montgomery County, MD 2003

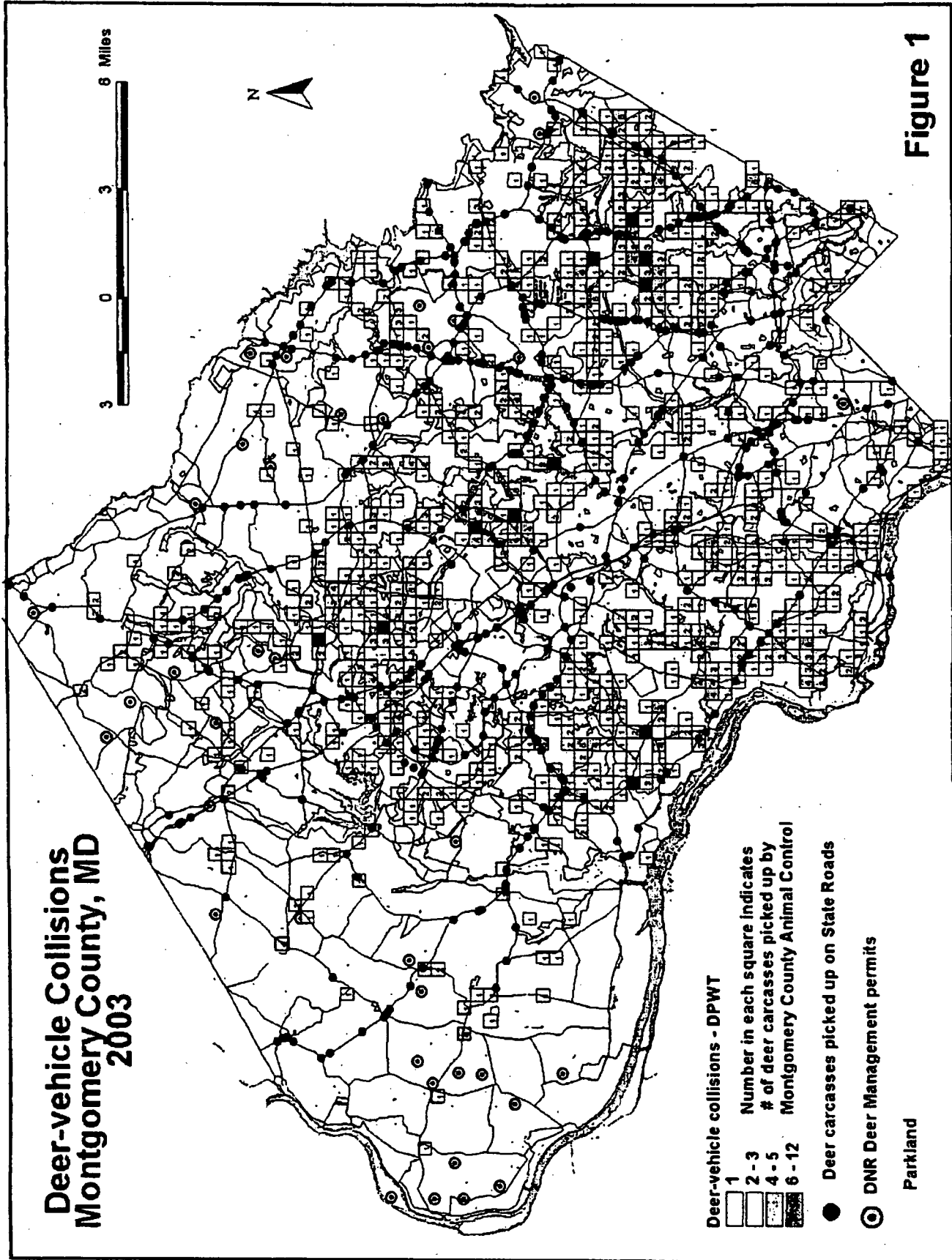


Figure 1

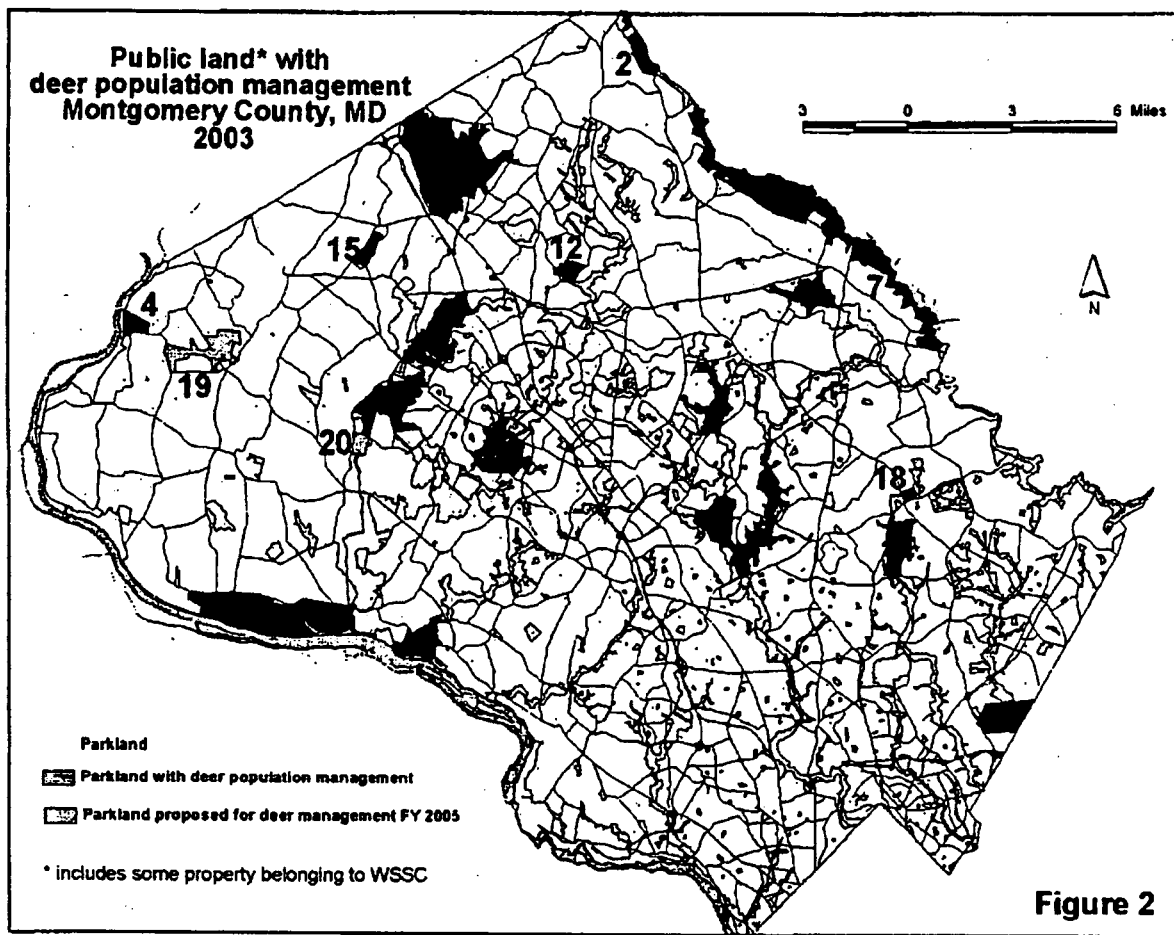


- Program to monitor impacts to natural vegetation in County Parks.
- Cooperative effort with County and State road agencies to better address deer-vehicle collisions (DVCs) through roadway design.
- Cooperative effort with M-NCPPC Transportation Planning Office to review projects that include bridges crossing wildlife corridors in order to allow for safe passage of wildlife under roadways.
- Cooperative effort with Washington area Council of Governments (COG) Wildlife-Vehicle Avoidance Working Group to promote education and explore techniques to reduce DVCs regionally.
- Cooperative effort with County and State park officials to initiate deer population management in parks where high deer populations were contributing to high numbers of deer-vehicle collisions, crop damage and/or damage to natural vegetation damage.
- Cooperative effort with MD Department of Natural Resources to adjust hunting regulations to help increase antlerless deer harvest in order to reduce deer populations in areas open to hunting.
- Changes were made to County Code in early 2003 to allow for use of 8-foot deer fencing in residential side and backyards and all types of fencing on agricultural properties.

#### Deer Impacts

- Deer vehicle Collisions (DVCs) countywide (see figure 1) have leveled off to a very slight upward trend since 2000 after rising much more steeply through the mid 1990s. Last year's count of 2,047 DVC's is slightly lower than 2002. This is despite a steady increase in county residents, automobiles, miles of roads, and width of many roads.
- DVCs around parkland where deer population management has been implemented have been declined as deer populations have been reduced.
- Impacts to home gardens and landscaping – Many residents are still experiencing steady or increased impacts to home gardens and landscaping. Though much work remains to be done, many residents are taking advantage of the educational materials, workshops, and regulation changes that have been made to help them reduce impacts to their home landscapes. Homeowners experiencing deer damage can call for information and register their complaint at 301-949-2909/4149. Homeowner or Community Associations that would like a free workshop on controlling deer damage around the home, can call 301-590-9650 or 301-949-2909. The DNR, Wildlife Service, Deer Project has online the various deer management options, lethal and non-lethal, at the following web address: [www.dnr.state.md.us/wildlife/dmo.html](http://www.dnr.state.md.us/wildlife/dmo.html).
- Lyme Disease – Lyme Disease continues to be a growing concern in the county. The official number of cases in the county dropped considerably from 68 in 2002 to 49 in 2003. However cases of Lyme disease are generally underreported making this number unreliable. Personal protection from ticks remains the best defense against the disease. General information is available at: [www.cdc.gov](http://www.cdc.gov). Two new products have been introduced on the market to help reduce the number of ticks in an area. Information is available at: [www.maxforcetms.com](http://www.maxforcetms.com) and [www.crdaniels.com/dandux/4post/intro.htm](http://www.crdaniels.com/dandux/4post/intro.htm).
- Agricultural Damage – Agricultural damage is a particular focus of this year's recommendations and several meetings are being planned between the agricultural community, county officials and the DMWG to further address this issue. Many changes have been made to State and local regulations and educational programs in recent years aimed at helping the agricultural community reduce deer damage to their products. Despite these efforts, there is room for improvement both in terms of regulations and how agriculturists and property owners implement deer management efforts. Survey's conducted in 2001 showed that since 1996 damage to soybeans decreased by 19% and damage to corn increased only slightly (4%) while losses of wheat increased by 200%. Some growers have resorted to fencing and dogs as the most cost effective way to reduce damage while others have been forced to abandon farming efforts completely. A new survey will be distributed this year so that current impacts can be assessed.





**Figure 2**

**Table 1 Public Land with current deer population management programs  
and additional public Land identified by DMWG for deer population mgt for Fiscal Year (FY) 2005**

	Park Area	FY initiated	Recommended Mgt. Action
1	Seneca Creek State Park	1997	Continue current population mgt and expand into additional areas of the park
2	Patuxent River State Park	Prior to 1994	Continue population mgt
3	Makee-beshers Wildlife Mgt Area	Prior to 1994	Continue population mgt
4	Dickerson Conservation Park	Prior to 1994	Continue population mgt
5	Little Bennett Reg. Park	1997	Continue population mgt
6	Ag/History Farm Park	1997	Continue population mgt
7	WSSC Brighton Dam Area	1999	Continue population mgt
8	Black Hill Regional Park	2001	Continue population mgt
9	Northbranch SVP*	2001	Continue population mgt
10	Rachel Carson Cons. Park	2002	Continue population mgt
11	Rock Creek Regional Park	2002	Continue population mgt
12	Goshen Recreational Park	2002	Continue population mgt
13	Blockhouse Point Cons. Park	2003	Continue population mgt
14	NW Branch Recreation Park	2004	Continue population mgt
15	Bucklodge Forest Cons Park	2004	Continue population mgt
16	Hoyles Mill Cons. Park	2004	Continue population mgt
17	White Oak Federal Facility	2004	Continue population mgt
18	Woodlawn Special Park	2004	Continue population mgt
19	Woodstock Special Park	Proposed 2005	Initiate population mgt this year
20	Little Seneca SVP unit 1	Proposed 2005	Initiate population mgt this year



- **Deer population management** – Deer population management efforts are now in effect or proposed for most of the large parcels of public parkland in the county (see figure 2). Populations are being reduced and associated deer impacts are declining, however, the effects of these efforts are very localized. Outside of these areas deer populations remain high or are increasing due to lack of population controls and as a result of continued development forcing deer into small and smaller areas. Many acres of parkland in narrow stream valleys, small local parks, and in highly populated areas are not currently being managed. Effective deer population management in these smaller urban areas will likely prove to be very difficult, costly, and in some cases not feasible at all.

M-NCPPC has reached its capacity to manage deer populations on parkland with currently allocated funding and staff. The deer population program has managed to grow significantly over the past several years despite a stagnant budget by streamlining and other cost saving measures. However, there is a limit to how far limited resources can be stretched. Recent budget constraints have made it doubtful that there will be any increases for the next couple of years. M-NCPPC will continue to streamline its program to the extent possible but until such time as additional funding becomes available, it is unlikely that the program will expand greatly beyond its current level.

Deer population management on private properties continues to be an important part of countywide management efforts. Many parcels of privately owned land are not hunted efficiently enough to significantly reduce deer numbers. Educational efforts listed in the recommendations below address this concern. As mentioned for parkland, population management becomes more difficult as you move from rural to more suburban and urban parts of the county. Nevertheless, there are opportunities for some communities to manage deer populations within their neighborhoods where the community can reach agreement on the methods. For assistance in developing community deer management plans contact the DMWG at 301-949-2909/4149 or Maryland Department of Natural Resources at 301-948-8243.

### **Recommendations for FY 2005**

In accordance with the Comprehensive Management Plan for White-tailed deer in Montgomery County, Maryland, the DMWG recommends the following. Agencies that should take lead responsibility for each recommendation are listed in parenthesis after that action. The final decision to proceed with any recommendation is up to the lead agency or agencies and it is expected that appropriate public input will be considered. Many recommendations will require more than one year to be fully implemented thus there will likely be overlap in recommendations for consecutive years. It is expected that all actions will be done in cooperation with the DMWG.

1. **Continue public education efforts.** This includes educating the public about deer issues, particularly on available non-lethal methods to reduce deer damage to personal property.
  - a. Continue the very successful homeowner workshop program. Update program to keep current with new innovations. Focus efforts towards setting up workshops with homeowner associations and other civic groups where problems are worst. Increase number of Master Gardeners that are trained to present the program. (Montgomery County Cooperative Extension [MCE])
  - b. Continue to provide and update educational materials and information available through: the County Library System, MCE, County and State deer and wildlife information phone numbers, the World Wide Web, the Maryland National Capital Park and Planning Commission (M-NCPPC), County cable TV, Etc.



- c. Update "Living with Deer in Mont Co" Brochure to include changes on fencing requirements, new phone numbers, etc. (DMWG)
  - d. Continue efforts to educate through different media including local cable and public television, and radio by producing special programs and providing spokespersons for deer issues. (M-NCPPC, MCE, DNR)
  - e. DPWT should work with the DMWG to develop a seasonal announcement to post on County Cable Montgomery- Channel 6 traffic report to caution citizens about the increased numbers of deer vehicle collisions that occur during the Fall and Spring. (DPWT, DMWG)
  - f. Continue efforts through COG to coordinate education and DVC mitigation efforts with other local jurisdictions. (DMWG)
- 2. Continue efforts to improve road fencing, signage and design to reduce deer-vehicle collisions.**
- a. Continue to evaluate roadway hotspots and examine accident mitigation methods. (DMWG, DPWT, SHA)
  - b. Keep current and where possible cooperate with other studies that investigate methods of reducing deer-vehicle collisions. (DPWT, M-NCPPC, SHA, DNR,)
  - c. Continue to work with DPWT to monitor and maintain existing Strieter-lite wildlife reflector system sites and where possible add reflectors to sites where gaps exist or where deer may be going around installations. (DPWT)
  - d. Continue efforts to upgrade existing deer crossing signage with mileage indicators i.e. "next 2 miles". (DPWT, SHA)
  - e. Continue working with Council of Governments (COG) Wildlife-Vehicle Avoidance Working Group to explore better use of existing techniques to reduce deer-vehicle collisions, promote these efforts regionally, and support development and testing of new methods and technologies. (MNCPPC, DMWG)
  - f. Continue to work with appropriate agencies on new and retrofit road projects to better design roadways and bridges for wildlife passage (DPWT, SHA, M-NCPPC)
- 3. Continue to monitor progress in the use of Immunocontraception to regulate deer populations.**
- a. Continue to monitor efforts at NIST and other study sites around the country. (NIST, DMWG)
  - b. Support efforts by the US general Services Administration (GSA) to initiate deer population management program that includes a contraception program at the White Oak Federal Center in White Oak. (GSA, DNR, M-NCPPC)
- 4. Continue to encourage more local community involvement in deer management efforts.**

Deer impacts are often experienced throughout a community. In many cases it is incumbent upon the community to work together and address community concerns regarding deer. Several approaches to reducing deer damage to home landscaping and gardens may have a greater effect when applied on a community level. Neighbors or communities can work together in their use of fencing, vegetation management, and repellents. Adjustments to community covenants regarding fencing restrictions or feeding of wildlife are examples of cooperative efforts. Communities, in many cases, may be better able than the county or state to fund and/or implement other local management efforts such as installation of fencing, or even a community based managed hunting program on private lands. Any of these efforts will involve a high level of cooperation, organization



and communication within the community as well as coordination with appropriate county or state agencies.

- a. The County and State should continue to provide information and assistance to communities that express a desire to address deer impacts in their community. These might include additional local public meetings, educational workshops, literature and recommendations on specific management efforts that could be undertaken by the community. DNR provides technical advice for communities on deer management issues. (M-NCPPC, DNR, MCE)
- b. Promote and distribute the soon to be published MD-DNR publication for community organizations on available community-based deer management options. Post information and/or provide links on DNR, MNCPPC and MCE websites - [www.dnr.state.md.us/wildlife](http://www.dnr.state.md.us/wildlife), [www.mc-mncppc/environment/deer](http://www.mc-mncppc/environment/deer), [www.naturalresources.umd.edu](http://www.naturalresources.umd.edu). (MCE, M-NCPPC, DNR)

**5. Continue to encourage effective deer population management on private properties.**

The vast majority of land in the County is private and any effort to manage deer populations on these lands can only be undertaken by the landowners. Managing deer impacts countywide requires the cooperation of county agencies and private landowners. Parcels of land that are forested, in agriculture or slated for development all need to be managed.

Many landowners that do allow hunting on their property would benefit greatly from educational efforts to teach better techniques for developing more effective management programs.

- a. Work through DNR, M-NCPPC, the County Development Review Committee and representatives of the development community to encourage deer management on large parcels of private land - especially land scheduled for development. Efforts should include 1) identification of landowners/developers and 2) the development of an informational packet that includes available management options, the DNR publication titled "Deer Hunting - a Valuable Deer Management Tool For Private Landowners" and incentives for implementation etc. (DNR, M-NCPPC)
- b. Work through the County Council to change the distance requirements for hunting in the County to conform to state laws and regulations. (M-NCPPC, DNR)
- c. Work with the Range Committee and County Executive to get an exemption to the shotgun restrictions for properties that meet certain criteria (e.g. over a certain size, agriculturally assessed, utilizing DNR issued Deer Management Permits, or Parkland). This would continue to ensure safety while reducing the burden on MCPD to inspect individual properties and simplifying the process for landowners and farmers. (M-NCPPC, MCPD, MCASD).
- d. The County Agricultural Services Division (MCASD) should mail a copy of the DNR publication titled "Deer Hunting - a Valuable Deer Management Tool For Private Landowners" to all the farmers in the county. The mailing should include a letter promoting the importance of implementing a well-designed deer management program as a tool for farmers to reduce deer damage along with other options such as fencing and use of dogs. (MCASD)
- e. The County Agricultural Services Division should coordinate with MCE, the DMWG and MD-DNR to sponsor a Farmer/hunter workshop to discuss aspects of running a productive hunting program on private property. They could send out advertisements with the DNR brochure mailing. (MCASD)



- f. The DMWG, MCASD, the Interagency Forest Conservation Team (IFCT) and other appropriate agencies should identify large private agricultural and forested lands that are not being hunted and provide literature to the landowners on the importance of managing deer cooperatively with their neighbors. (DMWG, MCASD, IFCT)
- g. Investigate efforts between M-NCPPC and farmers with adjacent property to cooperate in managing deer populations. (M-NCPPC)

**6. Continue and expand population reduction programs on select State and County lands.**

Table 1 (pg 4) lists public land on which deer population management is currently being conducted and new locations recommended for FY 2005. Decisions on specific details as to the type of population management implemented, the duration of the operation, and annual harvest goals should be decided by the appropriate agencies and DNR.

- a. Continue ongoing management programs, adjusting methods and harvest goals as needed.
- b. Expand efforts in Seneca Creek State Park to other areas of the park.
- c. Make efforts to maintain population management on large parcels of land that are added to the park system - especially where population management has been in place prior to the parcel becoming parkland.

In recent years the Woodstock Special Park (figure 2, #19) located on Route 28 near Beallsville has come into park ownership and a master plan was completed in January 2002. The park is over 772 acres in size and provides excellent deer habitat. MNCPPC should initiate deer population management in this park as a proactive measure to protect important resources and help prevent the need for more intensive and expensive population management in the future.

- d. Expand Hoyles Mill managed hunt into Little Seneca Stream Valley Unit 1 (figure 2, # 20)
- e. Continue to investigate initiating a population management program in North Germantown Area including North Germantown greenway and Great Seneca Extension Stream Valley Parks.
- f. Continue to investigate methods that are appropriate for managing deer populations in smaller more urban parks that provide the level of control and safety required including the use of archery and sharpshooting.

Note: Many park areas that are very narrow and surrounded by dense housing have deer populations that are causing significant DVCs and citizen complaints. Addressing deer population management needs in these areas is difficult and requires the development and implementation of different methods than those used in our larger parks and more rural areas.

- f. Work with Departments of Montgomery County Government including DPWT, the Montgomery County School Board and other managers of large parcels of public land to initiate deer population management on those properties.



# **SUMMARY OF MONTGOMERY COUNTY DEER MANAGEMENT MEETING**

## **INTRODUCTION**

A special deer management meeting was held on August 24, 2004 to discuss strategies for controlling the white-tailed deer population in Montgomery County. The meeting was attended by farmers, landowners, sportsman, agency staff and elected officials. A complete list of attendees is attached for your reference. County Executive Doug Duncan and State Senator Rob Garagiola convened the meeting to hear farmers' concerns about the impact deer are having on agricultural crops. The goals of the meeting were to discuss strategies for reducing the deer problem in the county and to determine what measures can be taken at the local and state levels to address the issue.

It was clear from this meeting that deer are causing significant economic and environmental damage in the County. It was also evident that it will take a concerted effort on the part of Montgomery County, the State of Maryland, and private landowners to address the problem. The recommendations for how to reduce deer in the County can be divided into three main categories

- County Level Strategies
- State Level Strategies
- Private Land Strategies.

Many of the concepts discussed will require coordination between County, State, and private entities.

## **RECOMMENDATIONS**

The following recommendations were suggested at the Deer Management Meeting to help control deer problems in the county. At the end of each strategy in parenthesis is the person or agency best equipped to initiate the necessary changes. The abbreviations used are as follows:

- DNR – Maryland Department of Natural Resources
- DMWG – Deer Management Work Group
- MNCPPC – Maryland National Capital Park and Planning Commission.
- DED – Montgomery County Department of Economic Development
- MCE – Montgomery Cooperative Extension
- MSCD – Montgomery Soil Conservation District
- DPWT – Montgomery County Department of Public Works and Transportation
- MCPD – Montgomery County Police Department

### **County Level Strategies**

- **Increase funding and policy support to MNCPPC for their managed hunts on parkland and to enhance the efforts of the DMWG.** The DMWG is comprised of deer management experts from a broad group of agencies. They have worked cooperatively on this effort since 1995 and are uniquely qualified to address the County Level Strategies. The good work accomplished by DMWG needs to be expanded to new County and State parks throughout Montgomery County. (Action by: County Executive, County Council).
- **Develop a program and infrastructure for handling, transporting, and processing deer meat.** Department of Natural Resource (DNR) statistics show that the average hunter only harvests 1 or



2 deer a year. By providing an opportunity for hunters to donate extra deer once their freezer is full, the County could expand the number of deer harvested. Harvesting higher numbers of deer will require new infrastructure given that many existing facilities are at capacity. This facility could process the meat and deliver it to food shelters. (Action by: DMWG,DED)

- **Increase number of managed hunts on MNCPPC parkland and better coordinate those hunts with adjoining landowners.** This will promote increased harvests on public and private land. Funding will be required for an additional full-time employee to achieve this goal. (Action by: MNCPPC, DMWG ).
- **Explore opportunities for MNCPPC to increase flexibility and effectiveness of their managed hunt program.** Examples include allowing adjacent private property owners to hunt sections of parkland, and including private property as part of a MNCPPC managed hunts. Efforts could also be made to curb public use of some park areas during hunting season to facilitate hunting on adjoining private land. (Action by: MNCPPC, DMWG ).
- **Propose several changes to the Montgomery County Weapons Law, (Chapter 57, titled "Weapons", of the Montgomery County Code) to allow hunting in more areas of the County.**

**Current Weapons Law restrictions:**

1. "A person must not discharge a gun onto, across or within 100 yards of a public road" or within 200 yards of a building designed for human occupancy without written consent from the owner/occupant.
2. For bows the restrictions are within 100 yards of the public road or 150 yards of a building.
3. "A person must not discharge a gun within the urban area" as defined by a map of the county showing the limits of firearms use.

**Changes needed:**

1. State law has no yardage restriction off a road and 150 yards from a structure without written permission. Montgomery County may be the only County in the state with this type of restrictive weapons law.
  2. State law is the same for bows – 0 yards from a road (but cannot shoot on, from, across, etc.) and 150 yards from a structure. Changing this section of the County "Weapons Law" would be especially helpful to areas of the County where bows are the predominant weapon used.
  3. For any property with a deer problem that warrants the issuance of crop damage permits from DNR, is agriculturally assessed, or is 50 acres or larger in size, there should be an expedient process for a landowner to obtain a permit from Montgomery County Police for the use of firearms to control deer. This may require a meeting between the County Executive, MCPD and DMWG.
- **Explore the use of County run incineration facilities as a means for disposing of carcass remains after deer have been processed.** This will provide a critical link in the processing strategy. (Action by: County Executive, DPWT)



- **Consider implementing deer control strategies on County owned lands not managed by MNCPPC.** There are a variety of sites, including land fills, ICC corridor, Dept. of Education property, etc. that could be better managed.

#### **State Level Strategies**

- **Sunday Hunting during the 2-week firearms season was cited by DNR representatives as one of the most effective methods for increasing deer harvests.** Studies from counties where Sunday hunting is allowed have shown substantial harvest increases. The Sunday hunting would only be for 2 days during the firearms season and would only be allowed on private property. (Senator Garagiola & Montgomery County Delegation, DNR)
- **DNR owned lands must be hunted more effectively.** State officials in attendance, including Paul Peditto, the Director of Wildlife and Heritage and DNR Assistant Secretary Mike Slattery, both acknowledged the need to increase hunting opportunities and managed hunts on State land, particularly Seneca Creek State Park (DNR, Senator Garagiola, DMWG).
- **Managed hunts on state lands should be better coordinated with adjacent landowners.** If farmers know when hunts are scheduled they can have their hunters out there on the same days. This will create a more effective environment for increasing the harvest of deer as they often run from the managed hunt areas onto the adjacent lands anyway. (DNR, DMWG, Farmers)
- **Change the "weapon of season" restriction on crop damage permits (deer management permits) issued by DNR.** Currently, a hunter using crop damage permits during the hunting season is limited to using only the weapon (bow, gun, muzzleloader) that is in season, unless the hunter is an employee of the landowner/farmer. This means that for more than 2 months of the hunting season, crop damage permits are limited to bow only. If a landowner has a deer problem that warrants the issuance of crop damage permits they should be able to harvest deer with the most effective means available. (DNR, Senator Garagiola)

#### **Private Land Strategies**

- **Sponsor a workshop on deer management techniques for farmers and hunters.** The training would introduce landowners to effective hunting agreements that can help maximize the number of deer harvested from their property. The workshop would also forge relationships between hunters and farmers and develop strategies for enhanced cooperation. (Action by: MCE, MSCD DMWG, Farmers)
- **Support a program that will assist landowners in the development of property specific Deer Management Plans.** This program would also involve providing educational material to landowners about deer control practices (Action by: DNR, DMWG)
- **Encourage farmers to take advantage of crop damage permits (Deer Management Permits), particularly in the late winter and early spring to reduce reproduction rates.** (Action by: MSCD, DMWG, Farmers)



- **Coordinate with agencies organizing managed hunts on public land.** (Action by: Farmers, MNCPPC, DMWG, DNR)

### **NEXT STEPS**

Several of the action items from the Deer Management Meeting can be initiated immediately. For instance, DNR should organize several hunts on Seneca Creek State Park for this fall. Particularly on areas adjacent to agricultural fields. DNR and MNCPPC should implement a system of notification for surrounding landowners so that farmers are informed about when managed hunts are taking place. These are important steps to help reduce deer numbers this fall.

Regarding budgetary and legislative actions, there are several initiatives that should move forward. With County agencies working on the FY06 budgets this fall, additional funding should be proposed for increasing MNCPPC's deer program, and supporting a new processing facility in DED's budget. This will not only help with the deer problem, but it will also show the County's commitment to address this issue. At the state level, Senator Garagiola should work on getting Montgomery County included in the list of counties that allow Sunday hunting on private property during firearms season. Finally, the County should make the necessary changes to the "Weapons Law" to allow deer to be harvested more effectively within the "urban area" of the County. All of these strategies will require support from other legislators to be successful. Farmers should talk to their representatives about the deer problem and encourage them to help sponsor these important policy changes.

Several other recommendations from the meeting are being addressed. Meetings are scheduled to evaluate potential sites for a deer processing facility. And planning is underway for a Deer Management Workshop for hunters and farmers sometime this winter.

The challenge in all these efforts will be to sustain the current focus on the deer problem. It has taken a generation for the deer population to get this far out of balance; it will take many years and tremendous effort on the part of all stakeholders to correct the situation.

a:summarydeermtg1 (oct04)





C.

OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Douglas M. Duncan  
County Executive

MEMORANDUM

November 29, 2004

TO: David Edgerley, Director  
Department of Economic Development


Jim Caldwell, Director  
Department of Environmental Protection

Arthur Holmes, Jr., Director  
Department of Public Works and Transportation

Melanie Wenger, Director  
Office of Intergovernmental Relations

J. Thomas Manger, Chief  
Police Department

Carolyn Colvin, Director  
Department of Health and Human Services

FROM: Douglas M. Duncan,  County Executive

SUBJECT: Expanded Deer Management and Controls

In recent months, I have met with a number of groups to discuss issues related to the County's growing white tail deer population. Deer constitute a serious and immediate problem to the agricultural community, and deer related damage to crops and plantings are now reported to be the single greatest threat to agriculture in Montgomery County. Other impacts of deer overpopulation include a high number of deer-vehicle collisions, damage to forest ecosystems and home landscapes, and increased incidents of Lyme disease.

In 1995, a program to address deer impacts was initiated under the direction of the Maryland-National Capital Park and Planning Commission (MNCPPC). A Deer Management Work Group (DMWG) was formed to write a management plan and make annual





recommendations to guide the plan's implementation. Attached is a copy of the DMWG's Annual Report and Recommendations for FY06. Some of the recommendations include efforts that are proposed to be undertaken by County Government departments. A summary of agency-specific recommendations accompanies this memo.

I strongly support the recommendations of the DMWG report and am committed to cooperating with the group to address these important County problems. Please review the attached report and the summary of Departmental recommendations. I also want each department director to identify a point of contact for deer management and control initiatives and begin incorporating these initiatives for consideration in your FY06 budget.

It will take a concerted multi-year effort by both public and private partners to address the issue of damage caused by white tail deer. I appreciate your assistance in working together to address deer impacts.

#### Report Recommendations by Department

##### Department of Economic Development

- Agricultural Services to coordinate with farmers and hunters through workshops and evaluate what the farmers are willing to do in helping the County and themselves in implementing more effective deer management on private properties.
- Investigate the development of a deer processing and donation program.

##### Department of Environmental Protection

- Work through the Interagency Forest Conservation Team (IFCT) to develop educational literature about the impacts of deer on forests, and develop a list of strategies that can be used by private forest landowners in protecting forest on their properties.
- Develop a list of large private forest properties in the County that are not being hunted that can be used to promote effective hunting practices.
- Assist the DMWG in developing and distributing a public information message about deer issues on local cable or public television.



C.

Department of Public Works and Transportation

- Provide seasonal announcements on County Cable Montgomery Channel 6 traffic reports cautioning citizens about avoiding deer collisions.
- Explore the needed amendments to agreements regarding the Resource Recovery Facility to permit the destruction of deer carcasses.
- Incorporate best practices for preventing deer-vehicle collisions in the design and construction of new and reconstruction of existing transportation facilities.
- Explore the installation of wildlife reflector devices and upgraded deer crossing signage in areas of high deer-vehicle collision rates.

Office of Intergovernmental Relations

- Work to accomplish the following changes in State law and regulation:
  - Authorize Sunday hunting in Montgomery County.
  - Promote managed hunts in Seneca Creek State Park.
  - Allow the weapon of choice rather than the weapon of season in implementing crop damage permits.

Police Department

- Propose legislative changes to the County's weapons law (Chapter 57) that will authorize greater flexibility for deer management and change the distance requirements for hunting with a gun and bow to conform to State Laws and Regulations.
- Continue to refine and improve data collection on deer related incidents. Police officers should consistently report all deer related incidents in a manner that allows this data to be extracted and analyzed in order to better document and understand this important public safety issue. The Department should continue to publish the annual "White-tailed Deer and Vehicle Collision Report" in cooperation with the DMWG.
- Continue to maintain records in the Division of Animal Control on deer carcasses picked up along County roads and to include in next year's contract agreement that the contractor will record the location of each deer carcass picked up with GPS units to be provided by the DMWG.



C.

November 29, 2004

Page 4

**Department of Health and Human Services**

- Enhance the completeness and accuracy of recording confirmed cases of Lyme disease.
- Develop and distribute information to County residents and doctors about Lyme disease diagnosis, prevention, and treatments.

**Copies:**

Michael Knapp, Councilmember

Senator Rob Garagiola

Derick Berlage, Chair, Montgomery County Planning Board

Charles W. Thompson, County Attorney

Beverley Swaim-Staley, Director, Office of Management and Budget

Dr. Ulder Tillman, Department of Health and Human Services

Captain Wayne Jerman, Police Department

Jeremy Criss, Department of Economic Development ✓

Al Roshdieh, Department of Public Works and Transportation

Rob Gibbs, MNCPPC

Laura Miller, County Arborist






Douglas M. Duncan  
County Executive

Charles W. Thompson, Jr.  
County Attorney

OFFICE OF THE COUNTY ATTORNEY

**MEMORANDUM**

TO: Kathleen Boucher, Senior Legislative Attorney

FROM: William A. Snoddy, Associate County Attorney 

DATE: October 12, 2005

RE: Weapons Law

You requested that the County Attorney advise the Deer Management Workgroup about the proper interpretation of Section 57-14 of Chapter 57 of the County Code. More specifically, you want to know if Section 57-14, which permits a landowner or tenant to "discharg[e] a firearm for the purpose of killing predatory animals which prey on, damage or destroy property, livestock, or crops," can be interpreted to sanction the shooting of deer that are damaging crops whether inside or outside of the urban zone. The short answer is no. Under the rules of statutory construction, words are to be given their plain and ordinary meaning. Such an interpretation of Section 57-14 would ignore the plain and ordinary meaning of the term "predatory animal." Such an interpretation would also render Sections 57-4 and 57-5 meaningless.

**BACKGROUND:**

Montgomery County Code Chapter 57, "Firearms" regulates the use, transportation and handling of firearms within Montgomery County. The County's Deer Management Workgroup (the Workgroup) is recommending several changes to the County's weapons law. The primary goal of the proposed changes is to kill more deer, which are causing damage to agricultural crops. The County Executive supports amending Chapter 57 and has requested recommendations that will authorize greater flexibility for deer management and change the distance requirements for hunting with a gun and a bow to conform to state laws and regulations.

In the course of Workgroup's research of proposed changes to Chapter 57, questions have arisen regarding the proper interpretation of Section 57-14. Titled "Exemptions from Chapter," Section 57-14, states that, with two limited exceptions, "nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a firearm on that land for the purpose of killing predatory animals which prey on, damage or destroy property, livestock, or crops." It is the Workgroup's position that by broadly interpreting this section to sanction the use of a firearm to shoot deer that are damaging crops anywhere in the County would render some of the its proposed changes unnecessary. The Workgroup wants to know whether it would be unlawful for



a landowner to shoot a deer without a deer management permit where the landowner has a legitimate claim of crop damage.

## THE LAW:

The cardinal rule of statutory construction is to ascertain and effectuate the intent of the Legislature. *Piper v. Rudnick v. Hartz*, 386 Md. 201, 218 (2005). In ascertaining the legislative intent, courts first examine the plain language of the statute, and if the plain language of the statute is unambiguous and consistent with the purpose of the statute, a court will give effect to the statute as written. *Id.* See also, *Serio v. Baltimore County*, 384 Md. 373, 390 (stating that plain language is best source of legislative intent). Courts will “neither add nor delete words to a clear and unambiguous statute to give it a meaning not reflected in the words the Legislature used or engage in a forced or subtle interpretation in an attempt to extend or limit the statute’s meaning.” *Serio*, 384 Md. at 390 (citations omitted). A statute’s provisions must be read from “a commonsensical perspective to avoid a farfetched interpretation.” *Id.* at 391. See also, *Greco v. State*, 347 Md. 423, 429 (1997) (noting that a court’s goal is to give statutes their “most reasonable interpretation, in accord with logic and common sense, and to avoid a construction not otherwise evident by the words actually used”). Statutes are construed as a whole so that no word, clause, sentence, or phrase is rendered surplusage, superfluous, meaningless, or nugatory. *Comptroller v. Phillips*, 384 Md. 583, 591 (2005).

## ANALYSIS:

The overall purpose of Chapter 57 is to regulate the use of weapons, and firearms in particular. My review of the statute, particularly Sections 57-4, 57-5 and 57-14, demonstrates that the language in those provisions is clear and unambiguous.

In Sections 57-4 and 57-5, the statute sets forth the circumstances when a gun may be discharged within the urban area and outside of the urban area, respectively. Among the circumstances an individual is permitted to discharge a gun in the urban area is “to kill a *dangerous animal*” and under a deer damage control permit. *Section 57-4(d), (g)* (emphasis added). Section 57-5 permits the discharge of a small caliber pistol or rifle to shoot at “legal game or *varmints* on the ground.” *Section 57-5(a)(3)(A)* (emphasis added). Additionally, Section 57-5 also permits the discharge of a gun “to kill a *dangerous animal*” and under a deer damage control permit. *Section 57-5(b)(4), (7)* (emphasis added). Section 57-14 permits a landowner or tenant to carry or discharge a firearm on that land “for the purpose of killing *predatory animals* which prey on, damage or destroy property, livestock, or crops.” (emphasis added).

*Varmint* is a variant of the term vermin. *Webster’s* defines varmint as “an animal considered a pest; specifically: one classed as vermin and unprotected by game law.” A common example used is a coyote. Other small animals that are considered by humans to be a nuisance are also called varmints, e.g. foxes, gophers and squirrels. A *predatory animal* is defined as any animal that lives by preying on other animals. The class of nuisance animals described above as varmints has also been termed predatory animals. This class of animal, however, does not include game animals such as deer. In Chapter 5 of the Code, a dangerous animal is defined as:



- (2) An animal is dangerous if the animal is:
- (A) a "dangerous dog" as defined in Md. Code, Article 27, § 70E;
  - (B) any other animal that, without provocation (as described in subsection (e)), has killed or severely injured a person, unless the Board finds that the animal is not dangerous;
  - (C) an animal that poses a physical threat to humans because of specific training or demonstrated behavior, or because the animal's bite is poisonous; or
  - (D) a potentially dangerous animal that:
    - (i) bites a person;
    - (ii) attacks a person or animal without provocation; or
    - (iii) kills or severely injures a domestic animal outside the property of the potentially dangerous animal's owner.

*County Code, Section 5-202(a)(2).*

Presumably, the Council was aware of the varying definitions of the above-referenced classes of animals and intentionally sought to distinguish the circumstances under which an individual may discharge a gun to shoot them. A landowner who discharged a gun to shoot a deer without a deer damage control permit would be subject to prosecution for violating Sections 57-4 or 57-5 even if the landowner had a legitimate claim of crop damage because a deer is not a "predatory animal." Such an interpretation would also render meaningless the deer damage permit requirement in Sections 57-4 and 57-5. If a landowner has a legitimate claim of crop damage, the landowner can obtain the required a deer damage control permit from the Department of Natural Resources. This would be the apparent purpose of those provisions of Sections 57-4 and 57-5.

#### **RECOMMENDATION:**

It is my recommendation that the Deer Management Workgroup not interpret Section 57-14 in such a manner as to sanction the shooting of deer without a deer damage control permit under a claim of crop damage.<sup>1</sup> As explained above, I do not detect any internal inconsistencies in this aspect of the weapons law. Viewing the statute as a whole, it is doubtful that the Council intended Section 57-14 to permit persons living in a heavily populated area to shoot at deer that are causing property damage.

If you have any concerns or questions concerning this memorandum please call William A. Snoddy, Associate County Attorney at (240) 773-5004

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<sup>1</sup> Under state law, an individual is required to be licensed to hunt deer except, with respect to farmland only, a resident owner or tenant of farmland or the resident owner's or tenant's immediate family. *Md. Code Ann., Nat. Res. § 10-301*. It is also unlawful to hunt game mammals, including deer, during closed season. *Md. Code Ann., Nat. Res. § 10-404(c)(1)*.





Douglas M. Duncan  
County Executive

Charles W. Thompson, Jr.  
County Attorney

OFFICE OF THE COUNTY ATTORNEY

**MEMORANDUM**

TO: Jeremy Criss, DED

THRU: Marc Hansen, Chief, General Counsel Division *MPH*

FROM: William A. Snoddy, Associate County Attorney *WAS*

DATE: January 12, 2006

RE: Bill 43-05

The Office of the County Attorney has been asked to provide comments on the above-referenced legislation, which, if passed, will amend Chapter 57 of the County Code to modify the "safety zone" within which a person is prohibited from discharging a weapon, authorize the hunting of deer on large parcels of land within the urban area, repeal language requiring the Chief of Police to approve the discharge of a gun outside the urban area pursuant to a deer damage control permit, and repeal language that authorizes the discharge of a firearm for the purpose of killing predatory animals. The proposed amendments have two purposes: (1) to provide greater flexibility regarding the discharge of guns and bows to facilitate better management of the County's growing deer population, and (2) to remove language authorizing the discharge of guns for the purpose of killing predatory animals because it is inconsistent with the specific requirements governing the discharge of firearms inside or outside the urban area.

Other than some minor drafting errors, the Bill 43-05 achieves its purposes of providing greater flexibility regarding the discharge of guns and bows to deal with the growing deer population and removing language that was both confusing and inconsistent with other sections of the weapons law.

It is the recommendation of the County Attorney that the following corrections are made to Bill 43-05:

- **57-4 Discharge of guns in the urban area.**  
(b) Exceptions. Except as provided...:  
    [(a)](1) on any indoor or outdoor target, trap, skeet, or shooting range that  
    the [[Range Approval]] Firearm Safety Committee...

Rationale: By recent amendment of the Code, the Range Approval Committee was



renamed the Firearm Safety Committee.

- **57-5 Discharge of guns outside the urban area.**  
(b) Exception – High Caliber Ammunition. [Other fixed...] If otherwise authorized by law...:

(A) legal game...

(B) a target...

[[~~(b)~~]] (c) Other exceptions. Except as provided...

(1) on any indoor target, trap, skeet, or shooting range that the [[Range Approval]] Firearm Safety Committee...

Rationale: Under 57-5(b), the colon, the (A) and the (B) should not be underlined. They are in the original statute. Subsection “(b) *Other exceptions*” should be changed to “(c) *Other exceptions*.” “Range Approval” should be replaced by “Firearm Safety.”

- **57-6 Discharge of bows.**

(3) [on,] from, onto, or across public or private [land] [[~~private~~]] property...

Rationale: The term “property” should replace the term “private”.

There is one minor issue with the weapons law unrelated to Bill 43-05 of which you should be aware. Amended Sections 57-4(b)(3) and 57-5(c)(3) permit the discharge of firearms “when necessary to protect life and property.” It should be noted that, in Maryland, an individual may only use deadly force against another when the use of that deadly force, at the moment and in the circumstance used, is necessary to protect against an imminent threat of death or serious bodily injury. One cannot kill another person solely to protect property. Theoretically, these sections authorize what is otherwise illegal. While an individual who discharges a weapon to protect property would not violate County law, he or she may be charged with violating the State’s criminal law. Therefore, we recommend that 57-4 and 57-5 be amended to clarify that a gun may be discharged to protect life and in the case of property outside the urban area (57-5) only from animals—or the reference to property could be deleted entirely.

There should not be any fiscal impact from the proposed amendment of Bill 43-05.

If you have any concerns or questions concerning this memorandum please call William A. Snoddy, Associate County Attorney at (240) 773-5004

cc: Rebecca Domaruk

Kathleen Boucher, Senior Legislative Attorney





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**The Montgomery County Deer Management Work Group**  
2000 Shorefield Road, Wheaton, MD 20902  
M-NCPPC, Montgomery County Department of Park and Planning  
Maryland Department of Natural Resources Wildlife Division  
Montgomery County Cooperative Extension Service  
Montgomery County Police Department  
USGS, Patuxent Wildlife Research Center

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January 23, 2006

**MEMORANDUM**

**To:** Mike Knapp, Montgomery County Council  
**From:** Rob Gibbs, Chair, Mont. Co Deer Management Work Group  
**Subject:** Support for Bill 43-05

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The Deer Management Work Group (DMWG) recommended and supports the changes to the County Code – Chapter 57, Weapons, contained in Bill 43-05. In proposing these changes, our goals were:

- 1) To maintain public safety
- 2) To allow agriculturalists to better manage deer on agricultural lands in order to protect their crops and livelihood. Last year the agricultural community declared deer to be the number one threat to agriculture in the County.
- 3) To allow more flexibility to private residents to protect their property from deer impacts.
- 4) To simplify requirements to implement deer management efforts on public lands.
- 5) To clarify ambiguities and points of confusion in the current code and make it better match state regulations.

The following outlines the proposed changes and explanations for our support of each.

**Change** - Allow landowners within the urban zone with 50 or more acres of contiguous property to use firearms without getting an annual exemption from the Chief of police. The same safety zone rules that apply outside the urban area apply here (i.e., no discharge within 150 yards of a building or camp designed for human occupancy).

**Explanation** - The urban zone is designated around the more suburbanized portions of the county, however, there are still many large farms and forested parcels within this zone where a firearm can safely be used. Currently an exemption is required to discharge a firearm anywhere within the urban zone, requiring police to inspect and approve these large parcels on an annual basis. This takes up valuable police time and greatly complicates the process of implementing deer management efforts. An automatic exemption to the weapons restrictions for parcels of 50 acres or more would eliminate these concerns.

**Change** – Allow use of firearms on M-NCPPC properties within the urban zone as part of Commission sanctioned deer management program without an annual exemption from the Chief of Police. The same safety zone rules that apply outside the urban area apply here (i.e., no discharge within 150 yards of a building or camp designed for human occupancy).

**Explanation** – Same as above. Over the past 10 years M-NCPPC has implemented a nationally recognized deer management program with a stellar safety record.

(over)



**Change** – Change the distance requirements for use of a firearm outside of the urban zone to match state requirements - i.e. a person must not discharge a gun from, onto, or across a public road; into or within the safety zone (150 yards of a building or camp designated for human occupancy) without the owner or occupant's written consent. Current county regulations restrict the discharge of a firearm within 100 yards of a road and within 200 yards of a building.

**Explanation** – These regulations are overly restrictive and not well known to the public or even to county police - leading to confusion and have therefore rarely if ever been enforced. The State regulations, on the other hand, are well known to all law enforcement agents and the hunting public since they are prominently stated in all hunting related literature produced by the State. The state regulations have a proven safety record with the number of shooting accidents involving the non-hunting public being extremely low.

**Change** – Change the distance requirements for the use of a bow and arrow anywhere in the county to match state regulations – i.e. a person must not discharge a bow in the county from, onto, or across a public road. Current county regulations restrict the use of a bow within 100 yards of a road.

**Explanation** – Similar to above. State regulations have proven safe over many millions of hours of public hunting.

**Change** – Remove the language in 57-5(b) that outlines the conditions under which a firearm may be discharged outside of the urban zone. All that is needed is the listing of circumstances under which a firearm cannot be discharged.

**Explanation** – The current language is confusing and ambiguous. As written it, would not allow for any type of hunting to occur any where in the county except where a MD DNR deer damage permit has been issued. This is clearly not the intent of the law or the way it has ever been interpreted.

**Change** – Clarify language under 57-14. Exemptions from Chapter.

**Explanation** - As written it is vague and confusing.



TESTIMONY on  
Bill 43-05, Weapons – Restrictions – Deer Management

Montgomery County Council  
January 24, 2006

Good afternoon – For the record, I am Jeremy Criss with the Department of Economic Development – Agricultural Services Manager and speaking on behalf of the the County Executive Douglas Duncan. Thank you for the opportunity to comment on the legislation which would establish greater flexibility for the management of white-tailed deer in the County.

The County Executive supports the intent of the legislation before you and believes it will help to reduce the population of deer. The Executive believes this Bill will need to be amended as recommended by the County Attorney's Office. A copy of the County Attorney's recommendations was provided to Council Staff and should be used as part of the Public Safety Work Session. The items contained in this Legislation represents some of the initiatives identified during a deer management workshop that was sponsored by Councilmember Knapp and the County Executive for the purpose of farmers and hunters suggesting ways to improve deer management.

As you are aware, the current overpopulation of deer in the County is causing substantial economic harm to the County's farmers. According to a 2004 landowner survey, the deer have destroyed the forest habitat in the County and account for over \$1 million in crop losses to Montgomery County farmers.

The County Executive is committed to agriculture and the business of farming in Montgomery County and this Legislation will help our farmers. This Bill will also help to simplify the set back requirements for the use of weapons in the County and it will also help landowners with more than 50 acres in the urban area to better manage deer.

The Executive staff looks forward to working with you in committee as this legislation is fine tuned so that it can provide additional tools and mechanisms to our agricultural community.

a:testimonybill43-05(jan06)



**Breakdown of Agriculturally Assessed Properties in Montgomery County**

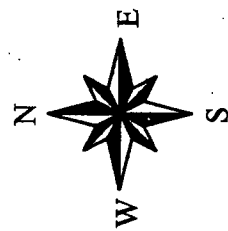
Total Acreage of the County	316,800 acres
Total Acres of Agriculturally Assessed Land	81,855 acres
Total Acres of Agriculturally Assessed Land of 50+ Acres located in the Urban Zone as defined by Chapter 57 – Weapons Law	3,747 acres

**Breakdown of Urban Areas**

<u>Property Size</u>	<u>Number of Properties</u>	<u>Total Acreage</u>
50 to 99 acres	20	1316.48
100 to 149 acres	6	709.12
150 to 199 acres	3	494.33
200 to 249 acres	4	889.88
250 acres or more	1	336.95
<b>Total:</b>	<b>34 properties</b>	<b>3746.76 acres</b>



# Chapter 57 - Urban Area and Agricultural Properties of 50 Acres or More



20 Miles

10

0

10





## DEPARTMENT OF POLICE

Douglas M. Duncan  
County Executive

January 24, 2006

J. Thomas Manger  
Chief of Police

### MEMORANDUM

**To:** Mike Knapp, Montgomery County Council

**From:** Lieutenant Donald Johnson  
Deputy Commander, 2<sup>nd</sup> District  
Montgomery County Police

**Subject:** Support for Bill 43-05

The purpose of this memorandum is to offer my support for Bill 43-05 regarding the use of firearms as it relates to deer management. First, I would like to state my qualifications. I have been a police officer for 21 years. I am a state certified firearms instructor with extensive knowledge of weapons and trajectory. On a personal level, I am an avid "outdoorsman" and I am very familiar with hunting regulations and methods.

Due to these qualifications, I have worked on the approval of numerous special exception permits over the past several years for firearms waivers in the urban area. I have also worked closely with Park and Planning services wildlife ecologists Bill Hamilton and Ryan Butler. I have assisted them in receiving approving for a firearms waiver in their very successful managed deer hunts.

I support Bill 43-05 and agree with the justification that Mr. Rob Gibbs provided. Mr. Gibbs is the chairman for the Montgomery County Deer Management Work Group. The current law requires that the Montgomery County Police grant a waiver for any area inside the urban area. This is often a long and tedious process which is further complicated by the fact that many officers are unfamiliar with this law because of the infrequent application. The great majority of the landowners who request the exception have property that exceeds 50 acres. These properties are safe for firearms discharges provided that normal safety guidelines and regulations are followed.

The only legal firearms for hunting deer in Montgomery County are shotguns and muzzleloader rifles. These weapons are designed to have a limited trajectory and the maximum effective range is generally considered to be less than 150 yards. "High powered rifles" would still be illegal in Montgomery County for hunting deer. These types of weapons have a much longer trajectory and could create a dangerous condition.



Office of the Chief of Police



I also agree that aligning Montgomery County regulations with State regulations would lessen the confusion that is often present. When a hunter purchases a license anywhere in the State they receive a copy of the current State regulations only. This often leads to a misunderstanding due to the second and sometimes different regulations that Montgomery County has established. Copies (brochures) of the Montgomery County regulations are kept at police facilities and are distributed to the public upon request.

Thank you for your time and attention to this matter and please contact me if you would like any further information.





DEPARTMENT OF POLICE

Douglas M. Duncan  
County Executive

February 7, 2006

J. Thomas Manger  
Chief of Police

**MEMORANDUM**

**To:** Mike Knapp, Montgomery County Council

**From:** Chief J. Thomas Manger  
Chief of Police  
Montgomery County Police Department

**Subject:** Support for Bill 43-05

The purpose of this memorandum is to offer my support for Bill 43-05 regarding the adaptation of new legislation as it relates to deer management in Montgomery County. I am aware of the growing problem that the overpopulation of whitetail deer has caused in the County, particularly in the urban areas. I understand that these new measures will allow more latitude for the management of whitetail deer, while not presenting additional dangers to the public.

Currently, the weapons ordinance for Montgomery County requires issuance of a waiver approved by the Chief of Police for firearms discharges to occur inside the urban area. These approvals are sought by farmers on private land and MNCPPC wildlife ecologists for the purpose of managed deer hunting. The approval process is a somewhat long and tedious undertaking. Due to the infrequent application, the process is often delayed and confusing. The current weapons ordinance is a more restrictive law than the current state law which is published in the annual hunting regulations. This will often lead to confusion on the part of hunters, citizens, and law enforcement that are not familiar with these regulations.

Specifically, I believe that this bill will improve the entire situation for the following reasons:

- The new legislation will mirror existing state law and thereby cause less confusion for hunters and law enforcement.



2nd District



- The new legislation will remove the waiver approval process for the Police Department in the majority of cases. Parcels of land under 50 acres which are located inside the urban area will still require approval.
- Parcels of land over 50 acres will now allow for firearms discharges provided all existing laws are obeyed. This should reduce the population of deer in the urban areas that are experiencing the most significant problems.

The types of weapons which will be allowed for firearm discharges will remain the same. The only legal firearms for hunting deer will remain as shotguns and muzzleloader rifles. These weapons have a limited trajectory and their maximum effective range is generally considered to be less than 150 yards. "High powered rifles" would continue to be illegal for hunting deer in Montgomery County. These types of weapons could present additional dangers to the public due to topography and population density in certain areas.

It is my opinion that the changes represented in Bill 43-05 will improve deer management without placing the public in additional danger. This is provided that established safety regulations and procedures are followed. I appreciate your time and attention in this matter and please contact me should you require further assistance.



43-05



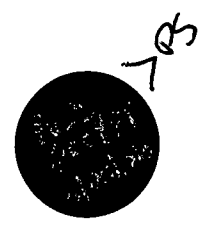
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**Montgomery Soil Conservation District**  
18410 Muncaster Road - Derwood, MD 20855 - Phone (301) 590-2855

January 19, 2006

Honorable George L. Leventhal, President  
Montgomery County Council  
100 Maryland Ave.  
Rockville, MD 20850

019493



Dear Council President Leventhal:

The Montgomery Soil Conservation District (MSCD) Board of Supervisors would like to provide comments on the proposed changes to the County's Weapon Law. As you know, the MSCD feels very strongly about the need to reduce the deer population in the county. We believe that the Weapons Law changes proposed by Councilmember Mike Knapp are a step in the right direction. It makes sense to bring the County's Weapons Law more in line with the State's guidelines. The MSCD does have some concern however, over the changes pertaining to a landowner's ability to control "predatory animals".

There are a variety of animals that cause damage to farmers' property and crops. Furthermore, no one can anticipate which animals will be a nuisance in the future. Thirty years ago no one could imagine that deer would be as prolific or destructive as they are. The MSCD encourages the County Council not to change the part of the law (Seciton 57-14 of Chapter 57 of the County Code) which permits a landowner or tenant to "discharge a firearm for the purpose of killing predatory animals which prey on, damage or destroy property, livestock, or crops." Farmers need the flexibility and authorization that this section of the law provides. Landowners in Montgomery County must maintain the right to deal with any animal impacting their livelihoods.

The MSCD appreciates the County Council's effort to address the deer problem in the County, and we feel most of the proposed changes will have a positive impact. However, we urge you to retain the predatory animal language under Section 57-14, because no one can predict which animals will present a problem in the future (coyote, geese, fox, rabid animals, etc.). Thank you for considering the agricultural community's perspective on this issue.

Sincerely,

George Lechliden, Chairman  
MSCD Board of Supervisors

Cc: Montgomery County Council Members

2006 JAN 23 AM 9:52

MONTGOMERY COUNTY  
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AGRICULTURAL ADVISORY COMMITTEE

January 24, 2006

George L. Leventhal, President  
Montgomery County Council  
100 Maryland Avenue  
COB, 6<sup>th</sup> Floor  
Rockville, MD 20850

Re: Public Hearing Testimony  
Bill 43-05, Weapons-Restrictions-Deer Management

Dear Council President Leventhal:

On behalf of the Montgomery County Agricultural Advisory Committee (AAC), we appreciate this opportunity to present our views regarding the proposed changes to the County's Weapons Law.

The AAC would like to thank Council Member Mike Knapp for introducing this Bill which proposes several ways to improve the management of deer in the County. The growing population of white tailed deer represents a major factor for agriculture profitability and viability as the deer destroys the farmer's crops and other property.

We are encouraged by the measures that our County and State elected officials have taken in the last year to help address the needs of farmers in the area of deer management. It is our hope that over time, Montgomery County will achieve a more balanced population of deer as we continue to implement specific changes to County and State regulations that govern the discharge of weapons.

The AAC is interested in participating in the upcoming work session to review the proposed changes to the County Weapons Law as amendments to the Bill are contemplated. The AAC is not clear as to why a portion of the **Section 57-14(Exemptions from Chapter)** is recommended to be deleted from the law and we will request an opportunity to be heard as this recommendation is discussed further.

We thank the County Council for hearing our concerns and addressing the needs of agriculture.

Sincerely,

Jim Clifford, Member  
Agricultural Advisory Committee

a:leventhalclifford (aac06)





## **Weapons law, Bill 43-05**

### **Topics of Discussion:**

- I) The need for deer control**
- II) The illogical nature of one distance for all weapons**
- III) The safety of bows when used properly**

### **The Need for Deer Control**

In a rapidly developing suburban county, there are large herds of deer doing extensive property and environmental damage to our communities. In addition to property and environmental damage, suburban deer also create traffic hazards and vehicle collisions. Because these deer inhabit congested areas in which they are never more than 100 yards from a road of some sort, the ability of hunters and police sharpshooters to enter these areas to help control the populations is limited.

### **The Illogical Nature of One Distance for All Weapons**

1) The current Montgomery County law is not congruent with the rest of the state. Maryland state law prohibits discharge of a weapon on, from or across any public road. Discharging a weapon within 100 yards from a road creates conflicts for law enforcement, particularly in the outlying areas of the county and on the extensive network of state-owned hunting lands. If the county wants a restriction on firearm discharge, it would appear the urban-zone ordinance is adequate to facilitate that outcome.

2) This law is not well known, and rarely, if ever, enforced. While hunting on the public dove fields at McKee Beshers, I have seen first hand violations of this law. Even though game wardens show up to check licenses and issue citations for common offences, they have never, to my knowledge, ticketed anyone for shooting within 100 yards of River Road. In addition, these violators have never been asked to move to the correct distance of 100 yards from the road, even though many of them were only 25 to 30 yards from the road. However, I believe that it is important to note that in the fourteen years I have been hunting the public dove fields, there have been no accidents or complaints about weapons being discharged within 100 yards from a road.

3) If the current law is enforced, it would have a negative impact on both county and state deer management programs. Counties, such as Montgomery County, utilize private citizens to manage deer populations in local parks through bowhunting. In state-managed programs, however, authorized sharpshooters use guns to control deer populations. Many of the shooting stations hunters are placed at, even though deemed safe by hunt officials, are within 100 yards of roadways in and around the parks that are hunted. Not even the Chief of Police has the authority to "waive" the law for these programs to continue to operate.

### **The Safety of Bows When Used Properly**

In the history of bowhunting in the state of Maryland, there has never been a single case where a non-hunter has been injured by a bowhunter. Maryland Bowhunters Society has created a safety video that can be viewed at our web site [www.marylandbowhunterssociety.org](http://www.marylandbowhunterssociety.org). Once you have logged onto our website, click on the safety video link in the top right corner. This video clearly demonstrates that at no time is anyone ever in danger while sharing the woods with bowhunters.



**Testimony to Montgomery County Council**  
**RE: Bill 43-05 Deer Management - January 24, 2006**

Name: Knowles G Little

Address: 9109 Scott Drive, Rockville, MD 20850

I am speaking in favor of Bill 43-05. I wish to thank Council member Knapp for introducing this bill.

I have lived at this address adjacent to the Watts branch watershed since 1952 and have seen the deer population grow from ZERO to its present unhealthy levels. I am not now nor never have been a hunter however, I do support responsible deer hunting in the urban zone as a necessary management aid.

Until last fall my wife and I unhappily accepted the destruction of our property by this invasive species as just one of the inevitable changes we must accept along with ever high taxation and more traffic. We have given up serious gardening, something we used to enjoy. However, it is Ginny's debilitating Lyme disease that has brought me to speak to you today for Bill 43-05. ***I will add that much more than this bill is needed.***

***The deer are an invasive species.*** Besides destroying suburban landscape and farmers' crops, causing serious traffic accidents, and bringing us Lyme disease, environmentalists need to know that they destroy woodland understory. This adds to stream erosion. Deer have reduced the variety of species of woodland flora by half and will eventually eradicate the native oak trees according to the Smithsonian Research facility at Front Royal, VA.

There were ***no deer*** when my family moved to Scott Drive ***in 1952***, nor did we see deer when my sons were growing up here in the 1970's. They first appeared occasionally in the 1980's ***but now we are overrun with them. They do not belong here in these numbers.***

Ginny's debilitating Lyme disease moved me to organize a public education meeting in November. Three knowledgeable speakers covered: 1. Maryland DNR's ***deer studies***, 2. ***personal*** Lyme disease ***prevention*** measures, and 3. responsible bow ***hunting on private property.***

Subsequently several individuals in our neighborhood obtained written permissions for responsible bow hunting on appropriate lots. This process showed me that there is ***overwhelming support for effective deer management in urban areas.*** While everyone regretted the necessity of having to control the invasive deer species, ***85.3 %*** of the people I contacted ***gave written hunting permission.***

I urge the Council to take this "baby step" forward in deer management by approving Bill 43-05. Thank you for this opportunity to speak.





**ROCKVILLE CHAPTER**  
**18301 Waring Station Road, Germantown, MD 20874**

The Montgomery County Council  
100 Maryland Avenue, 6th Floor  
Rockville, MD 20850

February 17, 2006

Re: In Support of Councilmember Knapp's Bill No. 43-05

Dear Councilmembers:

By way of introduction, my name is Johann Wehrle and I serve on the legislative committee of the Izaak Walton League of America, Rockville Chapter (IWLAR). In this capacity, I am tasked with keeping membership current on developments at the Council, the MD General Assembly, and at the Federal level. Because our membership is comprised of many sportspeople who value the Second Amendment, we feel that the proposed changes in 43-05 were worth passing along. In addition, IWLAR sits on a 53-acre parcel within Montgomery County's "urban area" and is therefore affected by Knapp's commonsense amendments. While membership disagrees with particular provisions of Sec. 57, bill 43-05 appears to loosen, rather than tighten, existing gun laws—many of which make little sense. While we support 43-05 in general, there are a few concerns/comments/suggestions we would like to offer:

- It is our understanding that the proposed changes to 57-4(g)(7) would mean that hunters could now harvest deer within the urban area under deer damage control permits issued by DNR. The permits would also require approval from the County Chief of Police. This would be subject to a County rule whereby the Executive would spell out the criteria used by the Chief of Police to determine whether it is safe to hunt under a deer damage control permit. Although membership has some reservations about law enforcement veto power over a state-issued permit, we assume that it is within the County's right, as well as its police power, to exercise some control in areas where the state is unfamiliar and does not preempt local law.
- 57-4(g)(8)(A) provides IWLAR the right to discharge firearms for the purposes of deer hunting on its own property. Although there is little chance that IWLAR will exercise that right, we welcome this commonsense provision although we would at some time in the future prefer to know what formed the basis for the 50 acre requirement, and how many such parcels there are. There may not be many 50 acre parcels in the urban area for there to be any impact on deer management. However,



there may be four times as many 30 or 35 acre parcels. If there is, you may want to consider lowering the acreage requirement. Considering the varying shapes of real property in this County, it is not inconceivable to think that many smaller properties would be safer places to shoot from, by virtue of the fact that modern gerrymandering reveals to us that geographical areas are not always proportionate.

- 57-4(g)(8)(B) provides our membership more opportunities to harvest deer by allowing them to take deer using firearms on MNPPC land. This will certainly encourage more hunters to come out under programs conducted by the Commission, and it is a good way to address the deer population problem in the urban area.
- 57-5(a)(1)(B) under the proposed amendment would lower the safety zone in rural areas from 200 yards to the State's requirement that hunters not fire within 150 yards of a person's house without that owner or occupant's written consent. 200 yards was an arbitrary number. Hunting accidents in Maryland are very rare, and hunters in Montgomery County are no less responsible. Thus, we welcome this change.
- The membership does not agree with the .25 caliber restriction in 57-5(a)(3). The .25-06 has a higher velocity, range, and energy than the 30-30. And yet, the .25 can be discharged while the 30 cannot. This is impractical. It would be more logical to impose restrictions on bullet speed. A ceiling of 2600 FPS would effectively keep "dangerous" cartridges out of the County in a way that the .25 caliber restriction cannot. This provision should be revisited. However, we appreciate that in the rural portion of Montgomery County, and in MNPPC and 50-acre plus properties, it is now *clear* that we can use high caliber ammunition as long as we are shooting at legal game or targets on the ground.
- 57-5's "Other Exceptions" provision should read 57-5(c), not (b). Subsection (c) should also make clear that we can *discharge guns higher than .25 caliber* at ranges, for protection, to kill a dangerous animal, etc. This is essential for clarity.
- 57-6(a)(1) changes the public road bow requirement from 100 yards of a road to "from, onto, or across a public road." This makes sense, and it allows bow hunters more opportunity to harvest game and control the deer population. This change almost certainly brings hundreds, if not thousands, of acres into the mix. While we recognize that bow prohibitions do not apply to target archery, we would like to know exactly what safety guidelines have been established by method (2) rulemaking.

In all, The Izaak Walton League of America, Rockville Chapter supports 43-05 and is tempered only by the remarks above. One or more of our members will attend the committee work session on March 20. If you wish to meet with us, please contact IWLAR at 301-972-1645. We can also be contacted at the mailing address above. Thank you in advance for your support of Councilmember Knapp's bill.

Sincerely,

Johann Wehrle  
IWLAR Legislative Committee



It is unlawful for any person to have either concealed or exposed, or to have in a motor vehicle where it can be readily used, any gun which uses explosive ammunition unless a person is engaged in a lawful mission where it is necessary to use a gun; or is employed as a special guard, special police officer, or special detective and has been deputized by the sheriff, or has been appointed a constable, or has been licensed by the laws of the state to carry a gun and is in the immediate vicinity of the premises of any employer whose occupation requires someone to carry a gun.

A person is allowed to carry a gun if he is a member of the military service or authorized as a peace officer, or is engaged in lawful hunting, drill training, or target practice, or is on property which the person owns or leases or with prior permission of the owner or lessee; or is going to or from lawful hunting, drill training, or target practice, or is engaged in any lawful transfer of possession such as carrying a gun from a gunsmith or repairman, provided that the gun is not loaded and the person is traveling on a public highway, or on property which he owns or leases, or on property with prior permission from the owner or lessee.

### Penalty for Violation of Weapons Law

The residents of Montgomery County, by and through their government, fully expect that any and all persons who engage in hunting or other activities associated with the discharge of firearms and/or bows and arrows, do so in a safe and responsible manner, without placing anyone at risk of harm. We, therefore, seek your voluntary compliance with all provisions of this law as well as other existing state and federal statutes governing hunting and the discharge of weapons. Voluntary compliance with the law will serve to protect the safety and well being of all.

The Montgomery County Department of Police remains committed to public education and to the strict enforcement of these laws. Any person convicted of any of the provisions of this chapter may be fined up to \$1,000 or confined in the Montgomery County Detention Center for a period not to exceed 6 months, or both fine and confinement.

### The Urban Area Boundaries

The newly revised urban area (again, that portion of the County where the discharge of firearms is prohibited) is defined as "that part of the County within the following boundaries: Beginning at a point where the Maryland/District of Columbia boundary line in the County intersects with the Maryland/Virginia boundary line on the southwest side of the Potomac River; running then northwest along the Maryland/Virginia boundary line to the emptying of Watts Branch into the Potomac River; then northwest along the northeast side of the Potomac River to the emptying of Seneca Creek into the Potomac River; then north along Seneca Creek to Route 112 (Seneca Road); then east along Route 112 to Route 28 (Darnestown Road); then northwest along Route 28 to Route 118 (Darnestown-Germantown Road); then north along Route 118 to Route 117 (Clopper Road); then northwest along Route 117 to Little Seneca Creek; then northeast along Little Seneca Creek to Black Hill Regional Park; then along the eastern boundary of Black Hill Regional Park to the Park's southernmost intersection with I-270; then northwest along I-270 to Little Seneca Creek; then north along Little Seneca Creek to West Old Baltimore Road; then east along West Old Baltimore Road to Route 355 (Frederick Road); then south along Route 355 to Brink Road; then southeast on Brink Road to the Town of Laytonsville; then along the northern boundary of the Town of Laytonsville to Route 420 (Sundown Road); then east along Route 420 to Route 650 (Damascus Road); then southeast along Route 650 to Route 97 (Georgia Avenue); then south along Route 97 to Brighton Dam Road; then northeast along Brighton Dam Road to Route 650 (New Hampshire Avenue); then south along Route 650 to Route 108 (Ashton Road); then east along Route 108 to the Potomac Electric Power Company transmission line property; then southeast along the east side of the Potomac Electric Power Company right-of-way to Route 198 (Sandy Spring Road); then east along Route 198 to the Prince George's County/Montgomery County boundary line; then southwest along the Montgomery County/Prince George's County boundary line to the Montgomery County/District of Columbia boundary line; then along the Montgomery County/District of Columbia boundary line to the place of beginning." (Latest additions have been underlined.)



Department of Police  
Range Approval Committee  
2350 Research Boulevard • Rockville, Maryland 20850  
301-217-4050

5/97

#7970

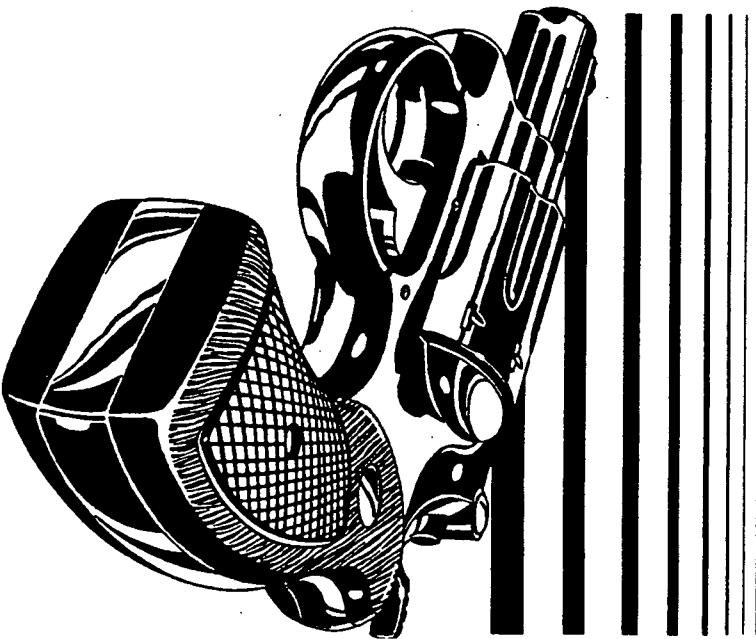
Montgomery County, Maryland  
Department of Police



# Summary Of the Weapons Law

Montgomery  
County  
Maryland

Revised 05/15/97





## **MONTGOMERY COUNTY WEAPONS LAW**

The ownership, possession, and use of weapons within Montgomery County, Maryland, is limited by the County weapons law. This pamphlet is a summary of the major provisions of the law and is provided for information only. Copies of the actual ordinance, Chapter 57, titled "Weapons", of the Montgomery County Code, can be obtained from the Office of the County Attorney, 101 Monroe Street, Rockville, Maryland 20850, or at regional libraries.

The County is divided, for the purpose of the law, into two areas which have different restraints on weapons and their usage. The discharge of guns is totally prohibited within the urban area as shown on the map on the reverse side of this pamphlet, with some specific exceptions as noted below. The law also places some limits on the discharge of guns outside the urban area. In addition, the law includes limitations on the discharge of bows that apply both inside and outside the urban area.

In view of the continued growth and development which has taken place in certain areas of the County over the past several years, it became necessary, for the protection and welfare of our citizens and communities, to recommend that the urban area be expanded. This was accomplished through the normal legislative process with the latest revision taking effect on **05-15-97**.

### **DISCHARGE OF GUNS**

#### **Inside the Urban Area**

A person must not discharge a gun within the urban area (see map inside this brochure), whether the gun is loaded with blank or live cartridges or projectiles of any kind.

#### **Outside the Urban Area**

Outside the urban area, a person must not discharge fixed ammunition from a rifle or pistol of any caliber higher than a .25 caliber, or discharge a full metal jacketed bullet of any caliber from any gun. Fixed ammunition is defined as any ammunition composed of a projectile or projectiles, a casing, an explosive charge, and a primer, all of which shall be contained as one unit.

A person must not discharge fixed ammunition from any rifle or pistol except at legal game or varmits on the ground or at a safe target which is on or near the ground and will not deflect a bullet.

A person must not discharge a gun onto, across, or within 100 yards of a public road. A person, other than the owner or occupant, must not discharge a gun within 200 yards of a building or camp designed for human occupancy without the owner or occupant's written consent, or shoot on, from, onto, or across public or private land without the owner or occupant's written consent.

#### **Exceptions**

The prohibitions on discharge of guns inside and outside the urban area are not applicable: (1) on any target, trap, skeet, or shooting range that has been inspected and approved in writing by the Range Approval Committee; (2) in a private basement or cellar target range; (3) where necessary to protect life or property or to kill a dangerous animal; (4) to any duly authorized peace officer acting in the proper performance of his official duties; (5) to the discharge of blank cartridges in musical and theatrical performances, parades, or sporting events; (6) to the firing of salutes by firing squads at military funerals; or (7) under a deer damage control permit issued by the Maryland Department of Natural Resources and approved by the Chief of Police under Executive Regulation.

A shooting range approval certificate is valid for three years and is issued by the Range Approval Committee after a finding that the discharge of guns on the range will not jeopardize life or property. The certificate may specify types of guns and ammunition that may be used on the range. Certificates will only be issued on written request by the person lawfully in possession of the land on which the range is located.

Requests should be sent to:

**RANGE APPROVAL COMMITTEE**  
c/o Montgomery County Department of Police  
2350 Research Boulevard  
Rockville, Maryland 20850

### **DISCHARGE OF BOWS**

A person must not discharge a bow in the County: (1) onto, across, or within 100 yards of a public road; (2) into or within 150 yards of a building or camp designed for human occupancy without the owner or occupant's written consent; or (3) on, from, onto, or across public or private land without the owner or occupant's written consent.

The restrictions in the previous paragraph do not apply to target archery practiced under the following safety guidelines established by Executive Regulation: (a) Target archery may be practiced on public property in the County in any area designated for target archery. (b) Target archery may be practiced on private property in the County with the owner or occupant's written consent as long as: (1) an arrow does not travel across or hit on a public road or strike any person, animal, or vehicle on a public road; and (2) an arrow does not travel across or land on property owned or occupied by a person who has not given written consent for the target archery, or hit any person, animal, building, or vehicle.

#### **Transfer of Rifles or Shotguns to Minors**

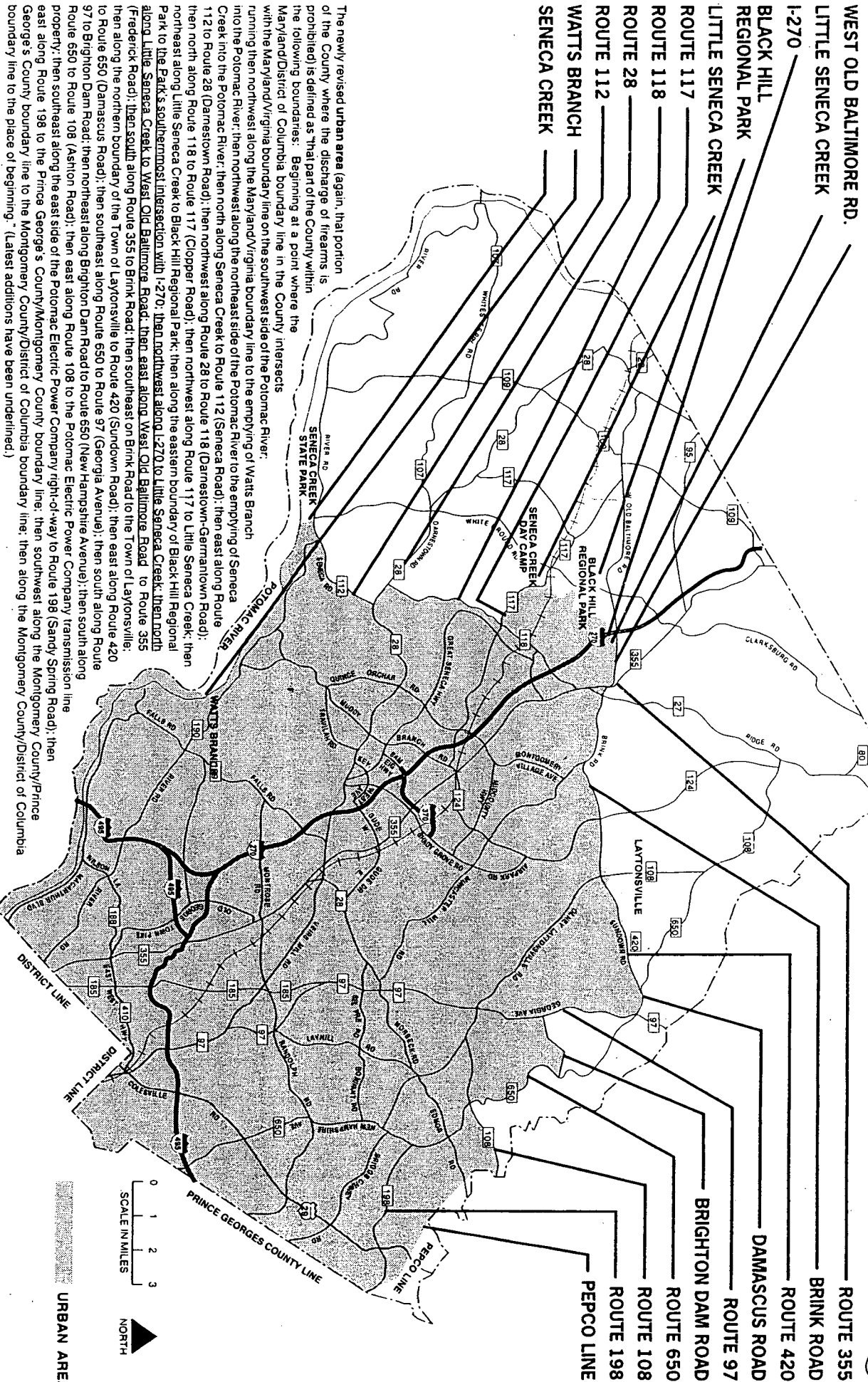
It is unlawful to give, sell, rent, lend, or otherwise transfer any rifle or shotgun to a person under the age of 18 years unless the relationship which exists is that of parent and child, guardian and ward, or adult instructor and pupil, or unless the transfer is in connection with a regularly conducted program of marksmanship training.

#### **Unlawful Ownership or Possession of Firearms**

It is unlawful for any person to use, carry, transport, or keep a rifle or shotgun, or discharge a pistol, or to have a rifle or shotgun in his possession, custody, or control within the County, if: he is an unlawful user of or addicted to marijuana or any depressant or stimulant drug or narcotic drug (as defined in Article 27, Section 277, of the Annotated Code of Maryland), or is under treatment for such addiction; or has been convicted in any court of a crime of violence, or of trafficking in narcotics or of a criminal violation of any of the provisions of Article 27, Sections 441 to 448, Annotated Code of Maryland, or any federal firearms control law; or is a fugitive from justice; or has been confined to any hospital or institution for treatment of a mental disorder, or for mental illness unless a licensed physician has by affidavit stated that he is familiar with the person's history of mental illness and that in his opinion, the person is not disabled by such illness in a manner which should prevent his possessing a rifle or shotgun; or has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that he is familiar with the person's history of alcoholism and that in his opinion, the person is no longer suffering from a disability in such manner which should prevent his possessing a rifle or shotgun.



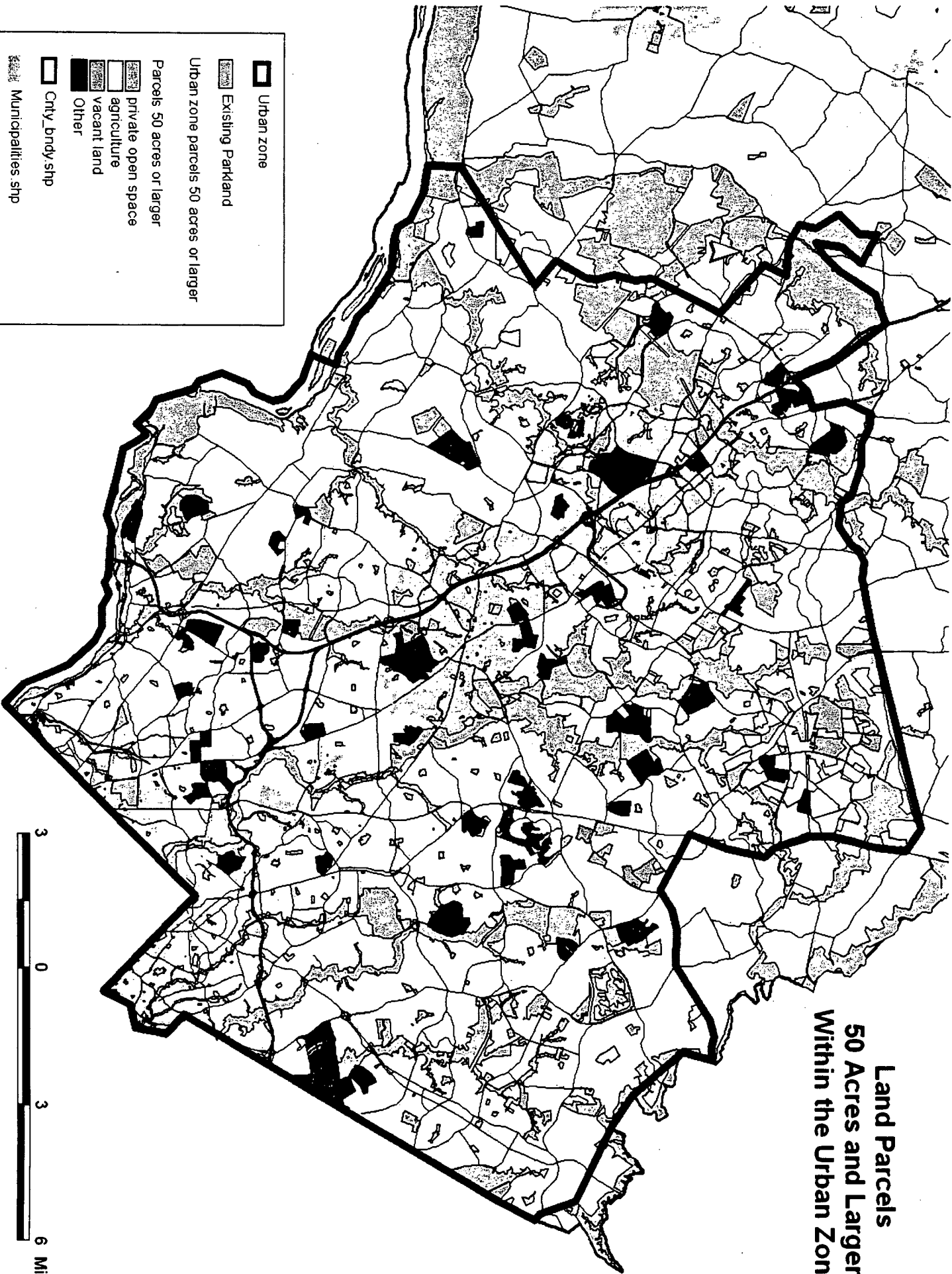
# WEAPONS LAW LIMITS



URBAN AREA



**Land Parcels  
50 Acres and Larger  
Within the Urban Zone**



- Urban zone
- Existing Parkland
- Urban zone parcels 50 acres or larger
- Parcels 50 acres or larger
- private open space
- agriculture
- vacant land
- Other
- Only\_bndy.shp
- Municipalities.shp

3 0 3 6 Miles



# COUNCIL STAFF TECHNICAL AMENDMENTS

Bill No. 43-05  
Concerning: Weapons – Restrictions –  
Deer Management  
Revised: 3/15/06 Draft No. 3  
Introduced: December 13, 2005  
Expires: June 13, 2007  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Knapp

### AN ACT to:

- (1) modify the circumstances under which a person may discharge a gun in or outside the urban area;
- (2) modify the circumstances under which a person may discharge a bow;
- (3) repeal language authorizing a person to carry or discharge a firearm under certain circumstances involving predatory animals;
- (4) make technical, clarifying, and stylistic changes to the law governing the discharge of a weapon; and
- (5) generally amend the law governing weapons restrictions.

### By amending

Montgomery County Code  
Chapter 57, Weapons  
Sections 57-4, 57-5, 57-6, and 57-14

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*



1        **Sec. 1. Sections 57-4, 57-5, 57-6, and 57-14 are amended as follows:**

2        **57-4.        Discharge of guns in the urban area.**

3        (a)    Prohibition. [A] Except as provided in subsection (b), a person, other  
4        than a peace officer or employee of the Maryland Department of  
5        Natural Resources performing official duties, must not discharge a **gun**  
6        within the **urban area**.

7        (b)    Exceptions. Except as provided in Sections 57-7 and 57-11, a **person**  
8        may discharge a **gun**:

9        [(a)] (1)    on any indoor or outdoor target, trap, skeet, or shooting range  
10        that the [[Range Approval]] Fire Safety Committee has inspected  
11        and approved in writing;

12        [(b)] (2)    in a private basement or cellar target range;

13        [(c)] (3)    when necessary to protect life or property;

14        [(d)] (4)    to kill a dangerous animal;

15        [(e)] (5)    for discharge of blank cartridges in musical and theatrical  
16        performances, parades, or sporting events;

17        [(f)] (6)    for salutes by firing squads at military funerals; [or]

18        [(g)] (7)    if approved by the Chief of Police, under a deer damage control  
19        permit issued by the Maryland Department of Natural Resources  
20        [and approved by the Chief of Police under Executive Regulation  
21        promulgated under **method (2).**]; or

22        (8)    subject to the same restrictions imposed by Section 57-5(a) on the  
23        discharge of a gun outside the urban area:

24        (A)    for the purpose of deer hunting on private property that is  
25        at least 50 acres in size; or



(B) on property owned by the Maryland-National Park and Planning Commission as a part of a deer management program conducted or sanctioned by the Commission.

(c) Regulations. The County Executive must adopt regulations under **method (2)** that establish procedures and criteria to be used by the Chief of Police to determine whether it is safe to discharge a **gun** under the circumstances specified in subsection (b)(7).

**57-5. Discharge of guns outside the urban area.**

(a) Prohibition. [Outside] Except as provided in [[subsection (b)]] subsections (b) and (c), outside the **urban area**, a **person**, other than a peace officer or employee of the Maryland Department of Natural Resources performing official duties, must not discharge:

(1) [[discharge]] a **gun**:

(A) [onto, across, or within 100 yards of] from, onto, or across a public road;

(B) into or within the safety zone ([200] 150 yards of a building or camp designed for human occupancy) without the owner or occupant's written consent; or

(C) [on,] from, onto, or across public or private [land] property without the owner or occupant's written consent;

(2) [[discharge]] a full metal jacketed bullet of any caliber from a **gun**; or

(3) [[except as provided in subsection (b), discharge]] any **fixed ammunition** of a caliber higher than .25 caliber from a rifle or **pistol**.

(b) Exception - High Caliber Ammunition. [Other **fixed ammunition** may be discharged from a rifle or **pistol** (in an area otherwise permitted by



law) only] If otherwise authorized by law, a **person** may discharge **fixed ammunition** of a caliber higher than .25 from a rifle or **pistol** at:

(A) legal game or varmints on the ground; or

(B) a target on or near the ground that will not deflect a bullet.

4] 57  
58 **person** may discharge a **gun**:

- 59 (1) on any indoor or outdoor target, trap, skeet, or shooting range that  
5] 60 the [[Range Approval]] Fire Safety Committee has inspected and  
61 approved in writing;
- 62 (2) in a private basement or cellar target range;
- 63 (3) when necessary to protect life or property;
- 64 (4) to kill a dangerous animal;
- 65 (5) for discharge of blank cartridges in musical and theatrical  
66 performances, parades, or sporting events;
- 67 (6) for salutes by firing squads at military funerals; or
- 68 (7) under a deer damage control permit issued by the Maryland  
69 Department of Natural Resources [and approved by the Chief of  
70 Police under Executive Regulation promulgated under **method**  
71 **(2)**].

72 **57-6. Discharge of bows.**

73 (a) Prohibition. A **person** must not discharge a bow in the County:

- 74 (1) [onto, across, or within 100 yards of] from, onto, or across a  
75 public road;
- 76 (2) into or within 150 yards of a building or camp designed for  
77 human occupancy without the owner or occupant's written  
78 consent; or



(3) [on,] from, onto, or across public or private [land] ~~[[private]]~~  
property without the owner or occupant's written consent;

(b) Exception. [Paragraph] Subsection (a) does not apply to target archery  
 practiced [under] in compliance with safety guidelines established by  
 [Executive Regulation under] **method (2) regulations.**

**57-14. Exemptions from Chapter.**

Nothing in this Chapter applies to the purchase, ownership, or  
 possession of a bona fide antique **gun** that is incapable of use as a **gun**.  
 [Except as provided in Sections 57-7 and 57-11, nothing in this Chapter  
 prohibits the owner or tenant of any land from carrying or discharging a  
**firearm** on that land for the purpose of killing predatory animals which  
 prey on, damage or destroy property, livestock, or crops.]

*Approved:*

---

George L. Leventhal, President, County Council

Date

*Approved:*

---

Douglas M. Duncan, County Executive

Date

*This is a correct copy of Council action.*

---

Linda M. Lauer, Clerk of the Council

Date